

8TH JULY, 1903.

## PRESENT:—

HIS EXCELLENCY THE GOVERNOR, Sir HENRY A. BLAKE, G.C.M.G.

HIS EXCELLENCY Sir W. GASCOIGNE, K.C.M.G. (Commanding the Troops).

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

Hon. Sir HENRY SPENCER BERKELEY, Kt. (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. J. M. ATKINSON (Principal Civil Medical Officer).

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

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

Hon. WEI YUK.

Hon. C. W. DICKSON.

Hon. R. SHEWAN.

Hon. GERSHOM STEWART.

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

## FINANCIAL.

The COLONIAL SECRETARY laid on the table Financial Minutes (Nos. 25 to 27) and moved that they be referred to the Finance Committee.

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

The COLONIAL SECRETARY laid on the table Report of the Finance Committee (No. 4) and moved its adoption.

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

## BOUNDARIES.

The COLONIAL SECRETARY moved the following amendment to No. 5 of the Domestic Cleanliness and Ventilation Bye-laws contained in Schedule B of the Public Health and Buildings Ordinance, 1903, made under Section 16 of the aforesaid Ordinance:—The note to No. 5 of the Domestic Cleanliness and Ventilation Bye-laws contained in Schedule B of the Public Health and Buildings Ordinance, 1903, is hereby repealed, and the following substituted therefore:—"The western boundary of the eastern division of the City is Graham Street and Endicott Street; the western boundary of the central division of the City is Tank Lane and Cleverly Street; the western division of the City lies to the west of Tank Lane and Cleverly Street. Kowloon is divided into eastern and western divisions by Robinson Road and a straight line drawn from the north end thereof through the Yaumati service reservoir to the northern boundary of Kowloon." He said— The object of this amendment is to bring the limewashing districts into the same boundaries as those of the health districts. This will enable the inspectors to do their work more effectively.

Hon. Dr. ATKINSON seconded, and the motion was agreed to.

## SUPPLEMENTARY ESTIMATES.

The COLONIAL SECRETARY laid on the table the Supplementary Colonial Estimates for 1902, of which the following is an extract:—

Charges on Account of Public Debt, .....	\$18,234.54
Pensions,.....	39,654.80
Governor and Legislature,.....	11,164.25
Audit Department, .....	4,791.64
Treasury, .....	8,820.59
Post Office.....	26,124.12
Registrar-General's Department .....	733.33
Observatory.....	990.30
Legal Departments.....	14,165.39
Medical Departments .....	2,806.41
Magistracy.....	4,142.62
Sanitary Department.....	24,737.20
Transport .....	15,703.66
Miscellaneous Services .....	657,930.55
Public Works Recurrent .....	*201,628.46
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Ordinary Expenditure .....	1,031,627.86
Public Works Extraordinary.....	*768,573.54
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	\$1,800,201.40

[\*Although the excess in the votes Public Works Recurrent amounts to \$190,293.41 and Public Works Extraordinary to \$359,787.77, yet these Supplementary Votes are required, because saving on sums voted for any particular work cannot be appropriated to cover excess on other works, or new item not yet voted.]

## PAPERS.

The COLONIAL SECRETARY laid on the table the Report on the Blue book, the Report of the Principal Civil Medical Officer, and the Report on the Hongkong Volunteer Corps, all for 1902.

## QUESTIONS.

The Hon. G. STEWART gave notice of the following questions:—

(1) When were the plans for the new Law Courts finally passed?

(2) What is the cause of the delay in proceeding with the erection of the Courts?

(3) What was the cost of the site for the new Post Office, and when paid for?

(4) What were the number of designs received in the recent competition for the Post Office?

(5) Can the Government give the date approximately when they will be in a position to invite tenders and proceed actively with the work of the construction of the Post Office?

## THE CROWN AGENT SYSTEM.

Hon. R. SHEWAN put the following questions standing in his name:—Will the Honourable the Colonial Secretary be good enough to give the following information respecting the working of the Crown Agents system with regard to this Colony:—

1. (a) What method is adopted for paying the Crown Agents? (b) Do the Crown Agents

receive a commission on orders executed in addition to regular salaries? (c) Do they receive remuneration from other Crown Colonies in addition to this?

2. What is the annual sum paid by the Colony to the Crown Agents during the past three years, giving salary and commissions separately, or what annual sum has been charged to the Colony for the services of the Crown Agents?

3. (a) Are all orders for material, etc., sent to Europe on behalf of the Colony, made through the Crown Agents? (b) If not, what system is adopted with regard to such orders which are not executed by the Crown Agents?

4. (a) What system is adopted to ensure that all orders on behalf of the Colony are executed by the firm best able to carry out the work at the most reasonable price? (b) If orders are put up to tender only for those firms on the Crown Agents' lists, how are these firms selected? (c) Can any reputable firm on application be placed on the Crown Agents' lists, or do the Crown Agents exercise a right to refuse to place a firm on their list? (d) In the event of such a refusal, has the firm thus rejected any right of appeal, and, if so, to whom?

The COLONIAL SECRETARY replied as follows:—

1. (a) The Crown Agents and their employees are paid salaries out of the contributions of all the Colonies employing their services. (b) No. (c) Only the regular contributions paid to the fund for salaries and other expenses.

2. Crown Agent's Charges:—

1 per cent. commission on stores.

1/4 per cent. commission on payment of interest on loan.

1/8 per cent. commission on subsidiary coins.

£150 per annum for transacting the general business of the Colony.

1900.

Commission paid on—

Stores.....	£255	1	0	\$2,542.82
Payment of Interest on Loan.....	39	18	0	399.37
Subsidiary Coins.....	566	8	8	5,601.59
For transacting the General Business of the Colony	150	0	0	1,500.11
	£1,011	7	8	\$10,043.89

1901.

Commission paid on—

Stores.....	£222	3	6	\$2,290.71
Payment of Interest on Loan.....	14	19	0	161.71
Subsidiary Coins.....	344	4	1	3,526.14
For transacting the General Business of the Colony	150	0	0	1,549.86

£731 6 7 \$7,528.42

1902.

Commission paid on—

Stores.....	£278	18	5	\$3,207.73
Payment of Interest on Loan	29	18	0	340.82
Subsidiary Coins.....	196	0	5	2,146.01
For transacting the General Business of the Colony .....	150	0	0	1,722.77
	£654	16	10	\$7,417.33

(Sd) A. M. THOMSON.

3. (a) Yes. (b) Unnecessary to answer.

4. (a) The competitive system coupled with professional supervision and inspection. (b and c) No definite information is available on these points, but a reference to appendix 22 of the Report of the Public Works Commission shows that in 10 years the Crown Agents carried out 379 orders for the Public Works Department and that these orders were placed with 101 different firms. The field of selection is therefore very wide. No objection is raised by the Agents if this Government asks that a particular order may be placed with a particular firm, and Government has every reason to be satisfied with the quality and price of the stores supplied to it. (d) Yes. To the Secretary of State for the Colonies. I would lay on the table Parliamentary Paper C. 3,075 of 1881, relative to the functions of the Crown Agents which has already been once laid on this table in 1894.

DR. PEARSE'S MEMORANDUM.

Hon. R. SHEWAN also put the questions:—

1. Will the Government state whether they received a letter from the Secretary of the Sanitary Board sent by direction of the President, conveying the following resolution unanimously adopted at the meeting of property-owners at the Sanitary Board office on 18th May, convened by advertisements in European newspapers in the Colony, namely:—"That the permission of H. E. the Governor be obtained to have the report, which was read by Dr. Pearse at the meeting on the subject of overcrowding and its abatement, printed and circulated amongst the European land-owners in the Colony"?

2. If so, has any reply been sent thereto? If not, why not?

3. Is the Government aware that the President of the Sanitary Board stated at the Board on the 19th instant that no answer had been received to that letter, but that the report had been laid on the table and was accessible to the Press if they wanted it?

4. Does the Government propose to print and circulate Dr. Pearse's report in terms of the resolution? Or is it true, as rumoured, that the report has been withdrawn from circulation and that the information which has been placed

at the disposal of the Chinese will not be available for European land-owners?

The COLONIAL SECRETARY replied as follows:—

1. The letter was duly received.

2. The Government intimated to the President of the Board for his information and guidance that Dr. Pearse's Memorandum might be brought before the Board. The position the Government has adopted is that the Memorandum in question involves assumption as to the effect of the law that may or may not be correct, but which can only be tested by a case decided in the law courts. This decision can readily be obtained in the usual manner. Without it the Government would not accept the responsibility of publishing the memorandum.

3. Yes.

4. The Government do not propose to print and circulate the memorandum for the reasons stated in answer to question 2. The Memorandum was read in English at the recent meeting of property-owners held at the Sanitary Board offices and which was attended by Europeans as well as Chinese. It is accessible to members of the Board, both European and Chinese, and there is no question of supplying to Chinese information which is withheld from Europeans.

#### PRINTING OF ORDINANCES.

Hon. R. SHEWAN further asked:— Will the Government instruct the Government Printers to print a larger number of copies of Ordinances, as it appears that the Passenger Act (No. 1 of 1889) Chinese Emigration Consolidation Ordinance is now out of print and cannot be supplied?

The COLONIAL SECRETARY—At the present time an ample number of Ordinances is printed.

#### LAND CLAIMS IN THE NEW TERRITORY.

The ATTORNEY -GENERAL moved the first reading of a Bill entitled an Ordinance to amend Ordinance No. 18 of 1900 entitled an Ordinance to facilitate the hearing, determination, and settlement of land claims in the New Territories, to establish a Land Court, and for other purposes.

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

#### SUPPLEMENTARY VOTE.

The COLONIAL TREASURER moved the first reading of a Bill entitled an Ordinance to authorise the Appropriation of a Supplementary Sum of One million eight hundred thousand two hundred and one Dollars and forty Cents, to defray the Charges of the Year 1902.

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

#### RENT RECOVERY IN THE NEW TERRITORY.

The ATTORNEY -GENERAL moved the second reading of the Bill entitled an Ordinance to repeal The New Territories Rent Recovery Ordinance. The object of this Ordinance is to provide for the hearing and determining

of claims to rent in the New Territories. By Ordinance 14 of 1902, it was provided that such claims should be heard and determined by the Land Court established under Ordinance 18 of 1900. That Court however was intended when it was constituted to be a Court for settling claims to land in the New Territories and for establishing titles to land therein and for no other purpose. It was not intended, and it is not desired, that the Land Court shall continue to exist after it has done its work of settling titles to land. The Land Court, in short, is a Lands Titles Court and that alone; and will be dissolved as soon as its work of settling titles is done. This Ordinance therefore repeals Ordinance 14 of 1902, which declares that all claims to rent in respect of land in the New Territories shall be heard and determined by the Land Court, and provides in lieu thereof that rent in the New Territories is to be recovered before the Supreme Court when the rent claimed exceeds \$200 and before a Magistrate when the sum claimed does not exceed that amount. After consideration and from the experience of the past the Government have come to the conclusion that in the case of claims over \$200 the parties should be admitted to the privilege of a hearing in the Supreme Court in its Original or Summary Jurisdiction according to the amount involved, where the advantage of legal assistance can readily be obtained. In proceeding before a Magistrate in the New Territories the parties will also be at liberty if they please to retain legal assistance, but as the amount involved in any such case will be necessarily small there will not be the same need for legal assistance.

The COLONIAL SECRETARY seconded the motion, and the Bill was read a second time.

#### MARRIAGES OF BRITISH SUBJECTS IN FOREIGN COUNTRIES.

The ATTORNEY -GENERAL moved the second reading of the Bill entitled an Ordinance to give effect to an Order in Council made by His Majesty the King on the 12th day of March, 1903, relating to the Marriages of British Subjects in Foreign Countries. He said—The objects and reasons of this Ordinance are to give effect to an Order made by His Majesty the King in Council on the 12th March, 1903, modifying the requirements of the Foreign Marriage Act, 1892, as to residence and notice in cases when one only of the parties has dwelt within the district of the Marriage Officer and the other has dwelt in this Colony. The effect of this Bill will be to bring this Colony into line with other parts of the Empire.

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

The Council resolved itself into Committee and considered the Bill clause by clause.

On the Council resuming, the Bill was read a third time and passed, on the motion of

the ATTORNEY -GENERAL, seconded by the COLONIAL SECRETARY.

WIRELESS TELEGRAPHY.

The ATTORNEY -GENERAL moved the second reading of the Bill entitled an Ordinance to authorise and regulate the establishment and use of installations for the purpose of Wireless Telegraphy. He said—I think it will be obvious to the Council that in view of the possibilities, the potentialities, of wireless telegraphy, it were wise to have legislative power to place an installation here, and this Bill, shortly, is to enable the Governor to issue licences for the installation of wireless telegraphy, wherever he deems it expedient, subject to such conditions as may from time to time be found desirable in the public interest.

The COLONIAL SECRETARY seconded, and the Bill was read a second time.

The Council then went into Committee on the Bill, which, on the Council resuming, was read a third time and passed.

CRIMINAL FUGITIVES TO MALAY STATES.

The ATTORNEY -GENERAL moved the second reading of the Bill entitled an Ordinance to amend The Malay States (Fugitive Criminals) Surrender Ordinance, 1903. He said—The object of this Bill is to effect certain amendments which appear necessary in the Malay States (Fugitive Criminals) Surrender Ordinance, 1903. In the latter Ordinance the meaning of the term "British Resident" was not sufficiently defined. It was now defined to mean any person for the time being lawfully discharging the duties of the office of British Resident. It appeared also that a British Resident was stationed at Negri Sembilan and Pahang, so it was necessary to add these names to those of the other places mentioned.

The COLONIAL SECRETARY seconded and the motion was agreed to.

The Council went into Committee on the Bill and considered it clause by clause.

On the Council resuming, the Bill was read a third time and passed on the motion of the ATTORNEY -GENERAL seconded by the COLONIAL SECRETARY.

PRINTING OF ORDINANCES.

Hon. R. SHEWAN—If I am in order, sir, I would beg to move the adjournment of the debate in order to call the attention of the Council to the reply of the Colonial Secretary to my last question.

HIS EXCELLENCY—You are in order.

Hon. R. SHEWAN—I believe I am prevented from otherwise commenting upon the answers I received here to-day. The question I asked was "Will the Government instruct the Government printers to print a large number of copies of Ordinances?" The reply was, "At the present time an ample number of Ordinances is printed," which I take to be a reply in

the negative; and I now beg to move an adjournment of the debate in order to call attention to the great inconvenience which the mercantile community of the Colony suffer by not being able to obtain copies of Ordinances they require. The remark I made in addition to my question was that it appeared that the Passenger Act, No. 1 of 1889, is out of print. I said that because I had applied to the Government printers for a copy and was told I could not get one. The reply of the Government is that an ample number of Ordinances is printed. Does that mean that they are printed and in stock at the present time or that they were printed and are out of stock? It is not a full reply and I would be glad if the Colonial Secretary would amplify it. I have not informed any of my unofficial colleagues of my intention to make this motion, but I have no doubt one of them will second it in order that we may obtain fuller information.

Hon. Sir PAUL CHATER seconded.

The COLONIAL SECRETARY—At the present time 160 copies of the Ordinances passed by this Chamber are printed and that number should be amply sufficient to meet all requirements. I do not know how many copies of Ordinances were printed in 1889, but it is perfectly true that this Ordinance is now out of print. That will be remedied shortly when the new edition of the Ordinances is issued and made available to the public.

Hon. Mr. SHEWAN—May I ask when that will be, sir?

The COLONIAL SECRETARY—I cannot give the exact date.

The ATTORNEY -GENERAL—Very shortly.

HIS EXCELLENCY—I have reason to think that it will be ready in a short time.

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.

PUBLIC MORTUARY.

The Governor recommended the Council to vote a sum of \$12,000 to meet the cost of reconstructing the Public Mortuary during the current year under "Public Mortuary, Extension and Re-construction, Public Works Extraordinary."

The CHAIRMAN—The present mortuary has been found to be inconveniently small, and as no provision for its extension was made in the Estimates the Council is now asked to vote this sum.

The recommendation was approved.

QUEEN'S COLLEGE.

The Governor recommended the Council to vote a sum of \$230 in aid of the vote under "Other Charges," "Queen's College, Education":—

Allowance for Chinese Teachers, .....	\$130.00
Incidental Expenses,.....	\$100.00
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	\$230.00

This vote was also agreed to.

GAOL EXPENSES.

The Governor recommended the Council to vote a sum of \$3,078 in aid of the vote for Personal Emoluments and Other Charges, Gael Department:—

Staff for the Temporary Prison (Belilios Reformatory) for 6 months ending 31st December, 1903:—

Personal Emoluments:

1 Principal Warder at \$1,140.....	\$ 570
Do., Exchange Compensation at 1/8d.,....	456
2 Warders at £96 per annum each at 1/8d.,	1,152
1 Clerk at \$360 per annum .....	180
4 Assistant Warders, at \$26 per annum each,	432
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Carry forward.....	\$2,790

Brought forward .....	\$2,790
2 Cooks at \$96 per annum each, .....	\$96
1 Coolie at \$ 6 per annum, .....	48

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Other Charges:—

Conveyance Allowance, .....	144
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Total, ..... \$3,078

The CHAIRMAN—It has been found necessary to open Belilios Reformatory as a temporary prison owing to the overcrowded state of Victoria Gaol, and the sum set out meets the expense of the additional staff required.

H.E. Sir W. J. GASCOIGNE—How many prisoners will the Reformatory accommodate?

The CHAIRMAN—It can accommodate a hundred.

The vote was passed.

This was all the business.

