

14TH SEPTEMBER, 1904.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR MATTHEW NATHAN, K.C.M.G.

HON. COLONEL L. F. BROWN (Commanding the Troops).

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

Hon. E. H. SHARP, K.C. (Attorney-General).

Hon. L. A. M. JOHNSTON (Colonial Treasurer).

Hon. A. W. BREWIN (Registrar-General).

Hon. Captain L. A. W. BARNES-LAWRENCE, R.N. (Harbour Master).

Hon. P. N. H. JONES (Director of Public Works).

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

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

Hon. WEI A YUK.

Hon. R. SHEWAN.

Hon. GERSHOM STEWART.

Hon. W. J. GRESSON.

Mr. S. B. C. ROSS (Clerk of Councils).

TAKING THE OATH.

Colonel Louis Faulkner Brown, as Senior Military Officer in Command of H. M.'s Regular Corps, Mr. Ernest Hamilton Sharp, K.C. and Mr. Gershom Stewart were duly sworn and took their seats as members.

FINANCIAL.

The COLONIAL SECRETARY laid on the table Financial Minutes (Nos. 41 to 47) and moved that they be referred to the Finance Committee.

The COLONIAL TREASURER seconded, and the motion was adopted.

IMPORTATION AND INSPECTION OF ANIMALS

The COLONIAL SECRETARY moved the following amendment of bye-laws made under Section 16 of the Public Health and Buildings Ordinance, 1903: The Bye-law No. 1 under the heading "Importation and Inspection of Animals" has been amended and reads as follows:—No cattle, swine, sheep or goats shall be landed at Blake Pier, Queen's Statue Wharf or Murray Pier, and no such animal shall be landed at any wharf in Kowloon except the Police Wharf at Yaumati, and swine at the Hunghom Pier opposite the Slaughter-house. No such animal shall be landed at any wharf whatever between the hours of 6 p.m. and 6 a.m.

The ATTORNEY-GENERAL seconded, and the motion was agreed to.

SISTERS' QUARTERS AT THE CIVIL HOSPITAL.

The DIRECTOR OF PUBLIC WORKS laid on the table the following report of proceedings of the Public Works Committee at a meeting held on the 19th July.

The Chairman, Hon. P. N. H. Jones, said that, at Sir Paul Chater's request, which was made at the last meeting of the Committee held on the 12th inst., he had asked for an explanation of the position from the Government, and the following statement, which he read out, made it quite clear:—The correspondence shows clearly that the Nursing Institute dissociated itself from the Government Nursing Establishment altogether, and shows that Government offered to build a four-roomed

house for the nurses of the private institution (Hongkong Nursing Institution), but that no site was fixed on. Subsequently the Hongkong Nursing Institution obtained a grant of \$12,000 in lieu of the provision of such quarters, and there the matter rests. The Government has not promised any particular site to the Hongkong Nursing Institution. Sir Paul Chater said it was as well to have this on record. The Chairman then put to the vote the matter of the extension of the present Government Civil Hospital Staff Quarters for the sisters, at an estimated cost of \$26,000, and it was unanimously agreed to.

THE REVISED ORDINANCES.

The ATTORNEY-GENERAL moved as follows: — "Resolved that the thanks of the Council be conveyed to Sir John Worrell Carrington, C.M.G., formerly Chief Justice of Hongkong, for his services in carrying through and completing the revised edition of the Colony's Ordinances." He said—Sir, I have very great pleasure in proposing this resolution standing in my name, that the thanks of the Council be conveyed to Sir John Carrington for the excellent work he has done in the revised edition of the Ordinances. It is difficult to realise the amount of care and judgment and labour which is involved in a work such as this. Sixty years' Ordinances have had to be considered, and all those Ordinances which have expired by time, or which have been expressly repealed, or which have accomplished their purpose—all those have had to be omitted. Of the rest, large numbers relating to the same subject have been collected and consolidated, and for the purpose of consolidation have often had to be to some extent reworded. Naturally this work has taken time. I think the Council authorised the revision in 1900. Hon. members who were in the Colony with Sir John Carrington will remember what a large part of his leisure he devoted to the undertaking. Since his retirement he has given two years of his leisure at home to its completion. But it has been no doubt to Sir John Carrington a labour of love. His only possible return will be the public-spirited pleasure of doing a useful work and serving the Colony. Sir, I do not think we should forget the wish he expressed when he volunteered to do this work. He said he thought when the Ordinances had once been thoroughly revised that they should be kept up to date by a new edition about every ten years. Considering the growing needs of this Colony, and the unavoidable amount of new legislation, I do not think ten years is too short a period. No doubt the work in future will be comparatively light with this foundation to build upon, as Sir John Carrington has had the system to evolve and all the Ordinances to deal with, whereas future editors have the lines laid down and only new enactments to consider. This is fortunate, as the Colony could not hope to find a succession of editors as competent and as ready to give their services as Sir John Carrington. (Applause.)

The COLONIAL SECRETARY — Sir, in seconding this resolution, I can only say that hon. members, or at any rate many of them have, in the course of their avocations, to make daily references to the Ordinances, and will no doubt appreciate the great debt of gratitude they owe to Sir John

Carrington for the work he has done. (Applause.)

The resolution was carried unanimously.

THE TRAMWAYS.

The ATTORNEY-GENERAL moved as follows:—

"Resolved that until further notice the Hongkong Tramway Electric Co., Ltd., shall provide the following number of cars every morning and evening, at such hours not being later than 7 a.m. or earlier than 5.30 p.m. as the Company shall think most convenient, for artisans, mechanics and daily labourers, at fares not exceeding 2 cents for the single journey and 3 cents for the return journey:—

Morning.

From Kennedy Town to the Central Market 2 Cars
From Quarry Bay to the No. 2 Police Station 4 ,,

Evening.

From the Central Market to Kennedy Town 2 Cars
From the No. 2 Police Station to Quarry Bay 4 ,,

He said—Sir, this resolution is to decide the number of workmen's cars which, for the present, the company shall run every morning and evening. The Council is empowered to do this by the Tramway Ordinance.

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

PAPERS.

The COLONIAL SECRETARY laid on the table the Report on the Assessment for 1904-5 and a Report by the Government Bacteriologist on Plague.

THE RECENT FATAL ACCIDENT IN PRAYA EAST.

Hon. G. STEWART asked:—

1. Under what circumstances are coroner's inquests dispensed with?
2. Is it the case as stated in the public papers that a member of the community was picked up injured on Tuesday night, the 2nd August, and placed in a cell at the Police Station, where he was left for the night without medical aid being called for, and that he died the next day?
3. What standing instructions have the Police as to calling in medical assistance for injured people whom they may pick up?

The COLONIAL SECRETARY replied as follows:—

1. The matter is one for the discretion of the Magistrate acting as Coroner. Ordinance No. 5 of 1888, Section 7, provides that in cases of

sudden or violent death the Magistrate may, if he considers an inquiry to be necessary, inquire into the cause of death either with or without a jury, and make such order with regard thereto as he shall consider necessary.

2. The facts are as stated. An inquest has been held.

3. The European police are instructed in cases of illness or accident to send for the nearest surgeon, or to convey the sufferer to hospital. The Indian and Chinese police are instructed to convey any person whom they may find dangerously wounded, seriously ill, or suffering from any grave accident, to hospital and to report the matter.

TREE-CUTTING.

Hon. R. SHEWAN also asked the following questions:—

1. Is the tree-cutting at present going on on the Island of Hongkong authorised by Government?

2. If so, will the Government give its reasons for such tree-cutting?

The COLONIAL SECRETARY replied as follows:

1. Yes.

2. The tree-cutting is part of the scheme of forestry by which the Government intend to maintain for future generations the same advantages as are now enjoyed by the present one from the beauty, salubrity, water conservancy and timber production of the pine plantations. If the mature trees were not gradually replaced by young ones these advantages would soon be lost. The methods employed are those usually practised for the maintenance of closely planted coniferous forest. In order to plant it is necessary to fell, but every possible consideration will be paid each year to the interests of the residents at the time.

FIRST READINGS.

On the motion of the ATTORNEY-GENERAL, seconded by the COLONIAL SECRETARY, the following Bills were read a first time:—A Bill entitled an Ordinance to amend the Wild Birds and Game Preservation Ordinance, 1885; a Bill entitled an Ordinance for enabling the Tung Wa Hospital to acquire, hold, mortgage and sell land and hereditaments in the Colony of Hongkong; a Bill entitled an Ordinance to amend the Prepared Opium Ordinance, 1891; a Bill entitled an Ordinance to amend the Protection of Women and Girls Ordinance, 1897.

INTERMENT OF REFUGEES.

The ATTORNEY-GENERAL moved the first reading of a Bill entitled an Ordinance to regulate the interment of refugees belonging to the Russian and Japanese forces.

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

The ATTORNEY-GENERAL then moved the suspension of Standing Order No. 38 so that the Bill might now be read a second time. He said—Sir, the objects and reasons attached to this Bill will show it is one of urgency although the Bill is purely formal in character. Some refugee combatants

being in the Colony, it is desirable that regulations should at once be made regarding their interment.

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

The Bill was then read a second time, and after passing through Committee was read a third time and passed.

The objects and reasons attached to the Bill are:—The object of this Bill is the regulation, in accordance with the principles of international law, of the interment of any person belonging to the forces of Russia or Japan who, during the present war between those countries, may seek refuge under the British jurisdiction, and may come within this Colony. The immediate occasion for the Bill is that certain officers and men of the Russian torpedo boat destroyer *Burni* (which was lately stranded on the coast of China) sought refuge at Wei-hai-wei, and came thence to Hongkong, and are now interned here in accordance with the principles aforesaid, and with the instructions of the Secretary of State for the Colonies.

THE OPIUM AMENDMENT BILL.

The ATTORNEY-GENERAL, before introducing the Opium Bill mentioned among the first readings, moved the withdrawal of the original Amendment Bill. He said—It was laid for the first time before the Council on 20th February. A new Bill has been circulated, which it is considered will enable us to go forward at once, as the matter was very fully discussed before the Council. While affording the Opium Farmer proper protection the new Bill preserves the trade in compounds of opium, such as opium wines and pills, and also preserves the export trade.

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

PUBLIC SERVICE VOTE.

The COLONIAL SECRETARY moved the first reading of a Bill entitled an Ordinance to Apply a Sum not exceeding five million eight hundred and forty-five thousand four hundred and seventy dollars to the Public Service of the Year 1905. He said—Sir, in connection with this Bill I beg to lay on the table the Estimates for 1905, a Memorandum explanatory of the Estimates of Revenue, a Memorandum explanatory of the Estimates of Expenditure, a Financial Statement in connection with the Estimates, and an Abstract showing the differences between the expenditure in 1904 and 1905, which I trust will be of some use to members studying the Estimates.

In the original Estimates for the current year a surplus of \$76,959 was estimated.

The Revised Estimate of Ordinary Revenue (that is Revenue exclusive of Land Sales) for the year 1904 exceeds the original estimate by \$55,083.

It is necessary here to point out that in the original Estimate a sum of \$87,000 was entered twice by mistake. The original Estimate should therefore be reduced by that sum and the real excess is \$142,083. The revised Estimate of ordinary expenditure, thanks principally to the high rate of exchange that has prevailed throughout the year, and to some economies, is less than the original estimate by \$166,248. Land sales are expected to realise \$100,000 more than the Estimate, but the expenditure on Public Works Extraordinary is estimated to exceed the original estimate by \$260,944. The result is that an additional surplus of \$60,387, making a total of \$137,346, is anticipated, which with arrears for 1904 less the balance of liabilities of \$62,711 with which we entered upon the year, will give a balance of assets on 31st December of \$207,635. Turning to the Estimates for 1905, the Estimate of ordinary revenue exceeds the revised Estimate for current year by \$435,220. The Memorandum explanatory of the Revenue shows the increases. The Estimate of ordinary expenditure for 1905 exceeds the revised Estimate for current year by \$268,191. The principal items of increase are shown in a recapitulation of the Estimates of expenditure, which may be of use to members. The Departments to which the principal new appointments have been added are the Treasury, Botanical, Education, Medical, Police, and Sanitary Departments. The Estimated Ordinary Revenue for 1905 exceeds the Estimated Ordinary Expenditure by \$1,338,719. Land sales are expected to realise \$500,000, while Public Works Extraordinary are estimated at the largest figure in the history of the Colony—\$1,815,300, leaving an estimated surplus of \$23,419. These figures, I think, are very satisfactory. I may mention that it is just possible that some of the items of revenue may not be realised, and should such a contingency arise the Government will bring before the Council methods in which it can be dealt with.

The ATTORNEY-GENERAL seconded.

THE GOVERNOR'S SPEECH.

His Excellency the Governor said: Possibly, as this is the first time in my administration that estimates have been introduced, the honourable members may like to hear a few words from me with regard to them. The Estimates of this year are practically obligatory Estimates. That is to say, it has not been possible, even though it had been considered desirable, to embody any new policy in them or to make any considerable changes in the expenditure of the various departments. It is practically a Public Works' Estimates. We have entered upon a number of important works and into contracts for them, and we have to carry them through. The foremost are the water-works. For these we propose to spend \$800,000 out of a total of \$1,815,300; that is to say, 44 per cent. of the Public Works Department Extraordinary vote. The other works to which we are committed are the Bacteriological Laboratory, Harbour Office, Law Courts, Western Market, and Post Office, all

of which are in hand. For these, \$490,000 out of \$1,815,300, is required, or 20 per cent. of the whole. For resumptions, the necessity of which for the improvement of the sanitary condition of the town, cannot be questioned, we have estimated \$150,000, or 8 per cent. of the total. These and most of the other Public Works Extraordinary items are continuation services, and the new services, which are numbered 3, 4, 11, 12, 14, and 16 on the last page of the Estimates (extension to Staff Quarters, Government Civil Hospital, \$20,000; Mong-kok-tsui Market \$5,000; Post Office, Shanghai, \$15,000; Prison \$10,000; Yaumati School \$12,000; Volunter Head-quarters, Contribution, \$5,000) are comparatively small works. The result of this compulsorily large vote for Public Works is that on these Works this year, department, recurrent, and extraordinary, we shall spend 34 per cent. of the total estimated revenue. For defence against external aggression—the military vote—we spend 19 per cent.; for maintenance of law and order (Judicial and Legal departments, Magistracy, Police) we spend 13 per cent.; for the health of the Colony (Botanical and Afforestation Department, Medical Department, Sanitary Department) 11 per cent.; for the Post Office 5 per cent.; for Public Instruction (Ecclesiastical and Education) 3 per cent.; and for General Administration (Votes 3, 4, 5, 6, 8, 9, 10, 20, 21 & 22) 9 per cent.; while 6 per cent. will remain for non-effective charges (interest on debt and pensions). I think these figures may be of some interest as exemplifying what I said, that this is largely a Public Works' Estimate, and I would repeat that contracts having been entered into, we cannot alter our position even if we desired so to do. Certainly, as regards the very large expenditure on water supply, which will improve the sanitary condition of the town, I do not think any alteration would be desirable.

The Attorney-General seconded the Colonial Secretary's motion that the Bill be read a first time.—Agreed.

Hon. R. SHEWAN—Sir, I have only one remark, though it is not usual I know to criticise the Estimates on the first reading; but in order that the Director of Public Works may come prepared at the second reading I should like to know if he really expects the money put down to be spent? On a previous occasion the D. P. W. admitted that he never expected to spend the money.

HIS EXCELLENCY was understood to say that doubtless the Hon. Director of Public Works would be able to satisfy the Council on that point.

The motion was agreed to.

The Council adjourned *sine die*.

FINANCE COMMITTEE.

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

The following votes were passed:—

FORESTRY LICENCE CLERK.

The Governor recommended the Council to vote a sum of \$195 in aid of the vote Botanical and Afforestation Department, Personal Emoluments, being salary for a Forestry Licence Clerk, New Territory, from 5th August to 31st December, 1904.

PUBLIC WORKS.

The Governor recommended the Council to vote a sum of \$300,300, in aid of the Public Works Recurrent and Public Works Extraordinary, for the following items:—

PUBLIC WORKS RECURRENT.

Maintenance of telegraphs	\$ 3,500
Maintenance of telegraphs New Territory	2,500
Maintenance of Praya wall and piers	1,500
Maintenance of Roads and Bridges in New Territory	2,000
Maintenance of Sewers, Nullahs, &c ...	2,000
Miscellaneous Services	4,000
Drainage Works, Miscellaneous	9,000
Maintenance of Water-works, City and Hill District	16,000
Maintenance of Water-works, Kowloon	4,000
	————— \$ 44,500

PUBLIC WORKS EXTRAORDINARY.

Disinfecting Station, Kowloon	\$13,800
Gunpowder Depot, Green Island	40,000
Harbour Office	17,000
Law Courts	51,000
Market, Western	22,000
Road across King's Park	5,000
Water-works: — Tytam Byewash Reservoir	7,000
Tytam Tuk Scheme	100,000
	————— 255,800
Total	\$ 300,300

NEW TERRITORY LAND COURT DEPARTMENT.

The Governor recommended the Council to vote a sum of \$700 in aid of the vote Land Court, New Territory, Other Charges, for purchase, refloating and repair of houseboat for use of Land Court Department as an Office in the New Territory.

RIDER MAINS.

The Governor recommended the Council to vote a sum of \$30,052, for the following items

on account of the Rider Mains Work, chargeable to Advance Account:—

PERSONAL EMOLUMENTS.

Assistant Engineer, at £360 per annum—

$\frac{1}{2}$ Salary from 5th March to 16th April, 1904	\$ 228.65
Full Salary from 17th April to 31st December	2,913.36
	————— \$ 3,142.01

Overseer, at £180 per annum—

$\frac{1}{2}$ Salary from 26th February to 12th April, 1904	\$ 124.76
Full Salary from 13th April to 31st December	1,478.87
	————— 1,603.63

Clerk—from 26th July to 25th October, 1904, at \$960 per annum	\$ 240.00
from 26th October to 31st December, at \$1,200 per annum	219.35
	————— 459.35

Total Personal Emoluments,

\$ 5,204.99

OTHER CHARGES.

Conveyance Allowances, \$244 per annum—Assistant Engineer from 17th April to 31st December, 1904	\$ 172.15
Overseer from 13th April to 31st December ...	174.86
Estimated Cost of No. 1 Rider-Main District—	
Labour and Material	15,000.00
Service Connections to every house in No. 1 District	9,000.00
Incidental Expenses	500.00
	————— 24,847.01

Total, Other Charges

24,847.01

Total,

\$30,052.00

PRAYA EAST RECLAMATION.

The Governor recommended the Council to vote a sum of \$24,893, of which \$16,892.05 is a re-vote of an unexpended balance of the vote Public Works Extraordinary (24) Praya East Reclamation, for raising the carriageway and the footpaths from Arsenal Street to Jardine's Bazaar, Praya East, chargeable to Advance Account.

TELEGRAMS.

The Governor recommended the Council to vote a sum of \$1,500 in aid of the vote for Telegraph Service—telegrams sent and received by Government—under Miscellaneous Services.

FIRE BRIGADE.

The Governor recommended the Council to vote a sum of \$4,700 in aid of the vote Fire Brigade, Other Charges, for repairs to engines, hose, &c., gratuities.

This was all the business.