

3RD DECEMBER, 1908.

**PRESENT:—**

HIS EXCELLENCY THE GOVERNOR SIR  
FREDERICK JOHN DEALTRY LUGARD,  
K.C.M.G., C.B., D.S.O.

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

HON. MR. W. REES DAVIES, K.C. (Attorney-  
General).

HON. MR. A. M. THOMSON (Colonial  
Treasurer).

HON. MR. W. CHATHAM, C.M.G. (Director  
of Public Works).

HON. MR. E. A. IRVING (Registrar-General).

HON. MR. F. J. BADELEY (Captain  
Superintendent of Police).

HON. DR. HO KAI, M.B., C.M., C.M.G.

HON. MR. WEI YUK, C.M.G.

HON. MR. H. E. POLLOCK, K.C.

HON. MR. E. A. HEWETT.

HON. MR. H. A. W. SLADE.

HON. MR. W. J. GRESSON.

MR. C. CLEMENTI (Clerk of Councils).

**Minutes**

The minutes of the last meeting were read,  
and confirmed.

**China's National Bereavement**

HIS EXCELLENCY—I have caused to be  
inserted upon the notices of this meeting of  
Council a resolution which I now rise to move.  
We in Hongkong are so closely connected with

China that events in that Empire affect us in an  
exceptional degree, and it has always been our  
aim and object to maintain cordial and friendly  
relations with our great neighbour. The majority  
of the population of this British Colony are  
Chinese, and whether they are British subjects  
or merely temporary residents, they cannot but  
feel deeply the news we have lately heard from  
Peking. It is therefore fitting that this Council, as  
representing the people of this Colony, should  
express its condolences with the Chinese  
Government, and assure it of its sympathy and  
good wishes. So soon as I received the news of  
the death of the Dowager Empress and of the  
Emperor, I telegraphed in this sense through the  
Consul-General at Canton to the Governor  
General of the Two Kwang, and he has  
expressed himself as very grateful for the  
message, but I have awaited the meeting of  
Council before sending any similar message to  
Peking. If, as I am sure it will be, this resolution  
is unanimously carried, I propose to send a copy  
of it to our Minister at Peking for  
communication to the Chinese Government. I  
move:—"That the Legislative Council of  
Hongkong, at this its first meeting since the  
news of the deaths of the Emperor and the  
Dowager Empress of China was received,  
desires to record its sympathy with the  
Government of China on the loss it has  
sustained by death of its rulers, and to express  
its hope that the reign of the new Emperor may  
be successful and prosperous."

HON. DR. HO KAI—Sir, most respectfully  
and feelingly do I second the resolution

which your Excellency has just proposed, and which I am quite sure this Council will pass unanimously. The recent sad calamity which has overtaken the Chinese Government and nation is of such a character as cannot fail to call forth our deepest sympathy with them in their sorrow and grief. And further, when we see with what fortitude and calm resignation they have borne their double loss, we cannot but entertain for them the profoundest respect and admiration. Yesterday the new Emperor formally ascended the Throne, and I am sure we all wish him a long and glorious reign. In the meantime we wish and we hope that his trusted ministers and the Prince Regent will have every success in securing and maintaining the welfare, prosperity and happiness of the great Chinese nation, and also in promoting the peace and advancement of the Empire—(Applause).

### Warnings of Typhoons

HIS EXCELLENCY—Before proceeding with the business of the day I desire, with the permission of the Council, to make a statement for the information of the public. Last year when introducing the estimates I pledged myself to give especial attention to the question of the efficiency of our typhoon signals, and this year, on a similar occasion, I informed the Council what I had been able to do. On August 6th also I stated that the Commander-in-Chief of the South China Station had consented to communicate by wireless telegraphy any atmospheric disturbances which His Majesty's warships cruising in surrounding waters might be able to report. The great desideratum, however, was that there should be an observation station somewhere to the south-east, the direction from which most typhoons come. I accordingly wrote to the Governor-General of the Philippine Islands—the islands in that channel being American territory—suggesting to him that information from that quarter would be of great value both to Manila and ourselves. I desire to read to you the very courteous reply which I have received from him:—

MANILA,

November 17th, 1908.

YOUR EXCELLENCY—I have the honour to acknowledge the receipt of your letter of October 16th, and in reply I must say that I am much

impressed with what your Excellency urges in favour of the establishment of a wireless station at Santo Domingo de Basco. I have taken up the matter with the Postal Authorities who are charged with the duty of making all insular telegraphic installations, and hope that they may have sufficient money available to carry into effect the project suggested by your Excellency. If there is no money available for the purpose, I shall apply for an appropriation to the Legislature at its next session.

With assurances of my most distinguished consideration,—I have the honour to be, Sir, your Excellency's very obedient servant.

(Sd.) JAMES F. SMITH,

Governor-General.

The establishment of a wireless station at Santo Domingo is, I am assured by our own director—and we have seen by a communication published by the American Consul-General that it is also the view of the Rev. Father Algue, the director of the Manila Observatory—will be of incalculable value to us. Therefore I am most glad to be able to inform the Council that there is every prospect of it being established. I will also mention one other matter. I have arranged with the Telegraph Company, at a very small cost, that during the prevalence of any typhoons likely to strike this island, more frequent telegrams should be exchanged—(Applause).

### Financial Minutes

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table Financial Minutes Nos. 61 to 68, and moved that they be referred to the Finance Committee.

THE COLONIAL TREASURER seconded and the motion was agreed to.

### Financial

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table the Report of the Finance Committee (No. 18), and moved its adoption.

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

### A New Latrine

THE COLONIAL SECRETARY—I move the resolution under Section 170 of the Public Health and Buildings Ordinance 1903 which stands in my name, copies of which have been circulated. In connection with this matter I beg to lay on the table a paper containing objections to the site on which it is proposed to erect a public latrine at Wongneicheong, I had occasion recently to move a similar resolution and to comment briefly on a similar objection. I said then it was impossible to select a site for a latrine anywhere within the radius of the inhabited area of this city without incurring the objection of some portion of the inhabitants. The site which forms the subject of this resolution has been selected by the Sanitary Board after careful consideration and approved by the Public Works Authorities. There is no more objection to it than there would be to any site that could be selected with reasonable regard to financial consideration in the neighbourhood of this village. Therefore I do not think any of the objections which have been raised to the site should weigh with this Council.

THE DIRECTOR OF PUBLIC WORKS seconded and the resolution was agreed to.

The resolution was as follows:—Whereas application has been duly made by the Sanitary Board to the Governor under Section 167 of the Public Health and Buildings Ordinance 1903 for the erection of a Public Latrine in the Wong Nei Cheong village immediately to the South of it and near House No. 113; and whereas such application having been approved by the Governor and a notification of the intention to erect a public latrine upon such site having been duly published in three successive numbers of the *Gazette*, certain inhabitants of the above village have objected to such erection; and whereas the objections so made have been considered by this Council; it is hereby resolved by this Council that the above mentioned site and the erection thereon of a Public Latrine be approved.

### New Bye-laws

THE COLONIAL SECRETARY—I move that the approval of this Council be given to a series of bye-laws under Section 16 of the Public

Health and Buildings Ordinance 1903, with the exception of A., D. and H. which require to be sent back to the Sanitary Board for amendment. The other bye-laws contain small alterations to the existing bye-laws, and provide in the case of those relating to disinfection and the prevention and mitigation of infectious disease, for the new policy which is now being adopted in dealing with plague.

THE DIRECTOR OF PUBLIC WORKS seconded and the resolution was agreed to.

The bye-laws were:—

- (a.) Bake-houses.
- (b.) Cattle-sheds, Pig-sties, etc.
- (c.) Cemeteries.
- (d.) Dairy.
- (e.) Depots for Cattle, Pigs, Sheep and Goats.
- (f.) Disinfection of Infected Premises.
- (g.) Domestic Cleanliness and Ventilation.
- (h.) Importation and Inspection of Animals.
- (i.) Latrines.
- (j.) Laundry.
- (k.) Prevention and Mitigation of Epidemic, Contagious or Infectious Diseases.
- (l.) Prevention of the breeding of Mosquitoes.
- (m.) Removal of Ceiling and Star Linings.
- (n.) Removal of Patients.

### Question—The Building Collapse

THE HON. DR. HO KAI asked the following question which stood in his name:—"will the Honourable the Attorney-General state whether he has any objection to give the reasons which governed him in not filing an indictment for manslaughter at the last Sessions in the Portland Street Building Collapse Case?"

THE ATTORNEY -GENERAL—The matter is one of public interest and I am very glad of the opportunity of giving the reasons which governed me in the matter. They are as follows:

After the Coroner's enquiry the Prosecution obtained important expert evidence as to the construction of the buildings. This

evidence did not establish such a degree of negligence as could justify a prosecution for manslaughter and in the opinion of the Attorney-General, no jury could possibly have convicted having regard to it.

The evidence also clearly demonstrated that the main supervision of the work was not controlled by Mr. Bird, and as a fact the Building Contract specifically defined the Architects to be "Clement Palmer and and Arthur Turner" and did not include the name of Mr. Bird. This point however was not material having regard to the absence of negligence previously alluded to.

In the Shaukiwan case the evidence taken before the Coroner on the other hand clearly established grave negligence against the Contractor.

#### **New Territories Small Debt Court Ordinance**

THE ATTORNEY GENERAL moved the first reading of a Bill entitled An Ordinance to empower a Magistrate to hold a Small Debt Court in the New Territories and to regulate the Proceedings in relation thereto.

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

#### **Magistrates Ordinance Amendment Ordinance**

THE ATTORNEY GENERAL moved the first reading of a bill entitled An Ordinance to Amend the Magistrates Ordinance 1890 and to effect certain other Amendments in the Criminal Law.

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

#### **Fire Insurance Companies Ordinance Amendment**

THE ATTORNEY GENERAL moved the first reading of a Bill entitled An Ordinance to Amend The Fire Insurance Companies Ordinance 1908.

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

#### **Interpretation Ordinance Amendment**

THE ATTORNEY GENERAL moved the first reading of a Bill entitled An Ordinance to Amend The Interpretation Ordinance 1897 and to remove an Ambiguity in the construction of the same.

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

#### **Companies Ordinance Amendment**

THE ATTORNEY GENERAL moved the first reading of a Bill entitled An Ordinance further to Amend The Companies Ordinance 1865.

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

#### **The Tramways Ordinance**

THE ATTORNEY GENERAL—With regard to the next order which stands in my name, Committee on the Bill entitled An Ordinance for Authorizing the Construction of a Tramway within the Colony of Hongkong, it is not proposed to proceed with it to-day.

His EXCELLENCY — The Council stands adjourned until next Thursday.

#### **FINANCE COMMITTEE.**

A meeting of the Finance Committee was then held, the Colonial Secretary presiding. The following votes were passed:—

#### **Public Works Extraordinary**

The Governor recommended the Council to vote a sum of Five thousand Dollars (\$5,000) in aid of the vote, Public Works Extraordinary, Miscellaneous, Blake Pier Shelter.

#### **Miscellaneous Services**

The Governor recommended the Council to vote a sum of One thousand seven hundred dollars (\$1,700) in aid of the vote, Miscellaneous Services, Stationery.

The Governor recommended the Council to vote a sum of Eighty-six thousand five hundred forty-seven Dollars and sixty Cents (\$86,547.60) in aid of the vote, Miscellaneous Services, for the following items:—

Indian Police Remittances. ....	\$7,600.00
Cancer Research Fund. ....	35.60
Tropical Diseases Research Fund. ....	118.65
Department of Chinese in London University .....	35.60
Imperial Institute, .....	237.30
Redemption of Subsidiary Coin...	78,520.45
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Total .....	\$86,547.60

THE COLONIAL SECRETARY—Explained that this vote represented the excess on the provision of \$36,000 in the estimates for redemption of subsidiary coin. The total sum was therefore \$114,520. It represented the loss on redemption of the subsidiary coin withdrawn from circulation during a period 16 months and on sale of a quantity of subsidiary coin to the face value of \$274,000 odd not issued and now sold.

HON. MR. GRESSON asked if the sum now voted would increase the estimated deficit at end of the year.

THE COLONIAL SECRETARY said it would.

### Public Works Recurrent

The Governor recommended the Council to vote a sum of One thousand four hundred Dollars (\$1,400) in aid of the vote Public Works, Recurrent, Miscellaneous Service.

### Botanical and Forestry Department

The Governor recommended the Council to vote a sum of Nine hundred dollars (\$900) in aid of the vote, Botanical and Forestry Department, other charges, for the following items:—

Forestry in New Territories .....	\$400
Tree planting.....	500
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Total, .....	\$900

### Educational Votes

The Governor recommended the Council to vote a sum of Two hundred Dollars (\$200) in aid of the vote, Education, other charges, Belilios Public School, Anglo-Chinese Side, Language Bonus.

### Police and Prison Departments

The Governor recommended the Council to vote a sum of Two hundred and eighty-five Dollars (\$285) in aid of the vote, Police and Prison Departments, A. — Police, Personal Emoluments, Captain Superintendent, House Allowance.

### Typhoon Damages

The Governor recommended the Council to vote a sum of Sixty-one thousand Dollars (\$61,000) in aid of the vote, Public Works, Recurrent, Miscellaneous, Typhoon and Rainstorm Damages.