

14TH JULY, 1910.

PRESENT:—

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT, HON. SIR F. H. MAY, K.C.M.G.

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

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

HON. MR. C. McI. MESSER (Colonial Treasurer).

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

HON. MR. A. W. BREWIN (Registrar-General).

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

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

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

HON. MR. E. A. HEWETT.

HON. MR. M. STEWART.

HON. MR. E. OSBORNE.

HON. MR. H. KESWICK.

MR. C. CLEMENTI (Clerk of Councils).

Minutes

The minutes of the last meeting were read and confirmed.

Financial Minutes

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table Financial Minutes (Nos. 45 to 57), 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. 5), and moved its adoption.

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

Papers

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table the following papers:—Medical and Sanitary Reports and Report of the New Territories for 1909; Report of the Assessment for the year 1910-1911.

Executive Council Relief of Duties Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to relieve the Governor-in-Council of certain duties."

THE COLONIAL SECRETARY seconded, and the Bill was read a first time.

The memorandum attached to the measure states that this Bill is substituted for Ordinance No. 29 of 1909, which was considered too extensive and was disallowed at Home. Its object is to vest in the Governor certain powers and duties which it is considered would be more advantageously exercised and performed by him alone than by the Governor-in-Council, in whom they are now vested.

Young Persons Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Young Persons Ordinance, 1909."

THE COLONIAL SECRETARY seconded, and the Bill was read a first time.

According to the memorandum attached this Ordinance vests in the Court the discretion of determining the age of an offender under The Young Persons Ordinance, 1909. Difficulty is frequently experienced in proving the age of an offender.

The Copyright Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Law of Copyright."

THE COLONIAL SECRETARY seconded, and the Bill was read a first time.

The object of the Bill is to amend the law of copyright in this Colony. A local register is provided for books and dramatic pieces first published in this Colony. The owner of the copyright of any book first published in this Colony as the law is at present has to register under the Copyright Act, 1842, at Stationers' Hall before he can enforce his rights against infringers. Under this Ordinance he may register either locally in the Copyright Register or at Stationers' Hall.

The provisions of the Copyright (Musical Compositions) Acts, 1882 and 1888, which are extended to this Colony, prevent unjust use being made of earlier enactments and give the Court a discretion as to the amount of penalties and as to the costs to be awarded in proceedings for penalties for infringement.

Crown Lands Resumption Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Crown Lands Resumption Ordinance, 1900, and to make special provision for the Resumption of Crown Lands of small value for public purposes."

THE COLONIAL SECRETARY seconded, and the Bill was read a first time.

The object of this Bill is to simplify the machinery provided by the Crown Lands Resumption Ordinance, 1900, in the case of land resumed for public purposes which is under the value of \$500.

A power of entry before resumption is given in the case of all lands resumed under this and the principal Ordinance, and provision is made for the payment of compensation in case of an absent owner.

Protection of Women and Girls' Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Protection of Women and Girls' Ordinance, 1897."

THE COLONIAL SECRETARY seconded, and the Bill was read a first time.

The memorandum attached says that this Bill amends the Protection of Women and Girls' Ordinance, 1897, by constituting the Registrar-General the legal guardian of a girl in cases where the girl has been parted with by the parents for the purpose of adoption or for money.

The Highways Ordinance

THE ATTORNEY - GENERAL moved the first reading of a Bill entitled, "An Ordinance to provide for the stopping up, diversion, turning or alteration in levels of Highways."

THE COLONIAL SECRETARY seconded, and the Bill was read a first time.

This Ordinance has been found necessary in view of the laying out of Crown lands, the formation of new streets and the diversion of portions of existing streets in various parts of the Colony, and is based in a measure on the Imperial Highways Act of 1835.

Liquors Amendment (No. 2) Ordinance

THE ATTORNEY - GENERAL moved the first reading of a Bill entitled, "An Ordinance to further amend the Liquors Ordinance, 1909."

THE COLONIAL SECRETARY seconded, and the Bill was read a first time.

The memorandum attached shows that this Bill effects amendment in the Liquors Ordinance, 1909, so as to give a similar rebate in the case of the Royal Naval Hospital and the Engineers' Mess in His Majesty's Dockyard as is granted to the Military Messes of the Colony.

Supplementary Appropriation Bill

THE COLONIAL SECRETARY moved the second reading of the Bill entitled, "An Ordinance to authorize the Appropriation of a Supplementary Sum of Three hundred and fourteen thousand five hundred and thirty-three Dollars and thirty-two Cents, to defray the Charges of the Year 1909." In doing so he said—As the Bill is being referred to the Finance Committee, every explanation will be given at that stage.

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

THE COLONIAL SECRETARY then moved that the Bill be referred to the Finance Committee.

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

HIS EXCELLENCY — The Council stands adjourned until this day week.

FINANCE COMMITTEE.

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

Medical Departments

The Officer Administering the Government recommended the Council to vote a sum of Four hundred and twenty Dollars (\$420) in aid of the vote, Medical Departments, *B.* — Hospitals and Asylums, Personal Emoluments, Alice Memorial Maternity Hospital, Fees to Lady Doctor for supervision of midwives in cases of necessity.

Public Works Extraordinary

The Officer Administering the Government recommended the Council to vote a sum of Fourteen thousand seven hundred and thirty Dollars (\$14,730) in aid of the vote, Public Works Extraordinary, Drainage, Training Nullahs.

The Officer Administering the Government recommended the Council to vote a sum of two thousand five hundred and ninety-two Dollars and eleven Cents (\$2,592.11) in aid of the vote, Public Works Extraordinary, Miscellaneous, Fish Breeding Pond Construction.

Judicial and Legal

The Officer Administering the Government recommends the Council to vote a sum of Five hundred and fifty-eight Dollars and eighty-seven Cents (\$558.87) in aid of the vote, Judicial and Legal Departments, *C.* — District Officer, Personal Emoluments, Local Allowance to Passed Cadet acting as Assistant District Officer.

Police Department

The Officer Administering the Government recommended the Council to vote a sum of Two thousand six hundred and seventy - eight Dollars and sixty Cents (\$2,678.60) in aid of the vote, Police and Prison Departments, *A.* — Police, Other Charges, for the following two items:—

Rent of Stations	\$1,178.60
Secret Service	1,500.00
Total	\$2,678.60

Recreation Grounds

The Officer Administering the Government recommended the Council to vote a sum of Four hundred and fifty Dollars (\$450) in aid of the vote, Public Works, Recurrent, Miscellaneous, Maintenance of Public Recreation Grounds.

P. W. D.

The Officer Administering the Government recommended the Council to vote a sum of Two hundred and seventy Dollars (\$270) in aid of the vote, Public Works Department, Personal Emoluments, for the following two items:—

Temporary Tracer	\$210
Do. New Territories Allowance ...	60
Total	\$270

Harbour Department

The Officer Administering the Government recommended the Council to vote a sum of Nine hundred and twenty-two Dollars (\$922) in aid of the vote, Harbour Master's Department, *B.* — Mercantile Marine Office, Personal Emoluments, for the following two items:—

Clerk	\$572
Do., Overtime Allowance	350
Total	\$922

THE CHAIRMAN — There was a new appointment made to the Mercantile Marine Office recently, and the amount of the full salary could not be estimated for. The estimates for the current year requires this balance of \$572 and \$350.

HON. MR. HEWETT—What is this overtime allowance? Are Government officials always paid for overtime?

THE CHAIRMAN—I suppose it means he is working on board ship after hours, or something of that sort.

HON. MR. HEWETT—Is that invariably the custom in the Government service? In a merchant's office a man has got to do his work whether on Sundays or other days. It does not matter whether it is overtime or not.

THE CHAIRMAN—On some occasions overtime is allowed.

HON. MR. M. STEWART—This is a very large proportion of the amount to pay as overtime.

THE CHAIRMAN—It is not his full pay.

HON. MR. MURRAY STEWART—Presumably the amount of \$570 pay and \$350 overtime is for the same period.

THE CHAIRMAN—I think I may tell you he is limited to \$800 a year.

HON. MR. OSBORNE—As overtime allowance?

THE CHAIRMAN—As overtime allowance. Of course you must remember that overtime allowances are paid by the shipping offices. If they want the services of Government officers at unearthly hours I am quite certain they have to pay overtime fees.

HON. MR. HEWETT—I don't know about that; they must be very small. The only arrangement I know about is a personal arrangement with the Medical Officer of Health to come and inspect ships after hours.

THE CHAIRMAN—That has nothing to do with the Mercantile Marine Office.

HON. MR. HEWETT—It is an arrangement between myself and the officer in question. I think on principle that a man should do his work whether it is after hours, or whether he works on Sunday. If a clerk of mine refused to work I would discharge him.

THE CHAIRMAN—You can hardly expect a man to work out of time for other people.

HON. MR. HEWETT—Certainly. I think if they objected and asked for extra pay they would be dismissed in the mercantile service.

THE CHAIRMAN—You cannot expect a man to do this kind of work at nine o'clock at night.

HON. MR. HEWETT—My clerks would have to do so if it had to be done.

HON. MR. MURRAY STEWART—It is to be hoped that proper supervision is exercised, in view of the possibility of the system being abused?

THE CHAIRMAN—The supervision is exercised by the party who obtains his services. The party who obtains his services pays the Government for them.

HON. MR. KESWICK—Then he is paid twice over?

THE CHAIRMAN—Not at all; the other man pays the money into the Treasury. The Government gets that and pays this sum.

HON. MR. HEWETT—I think what Mr. Stewart says is quite right. The thing might be abused, and a man might deliberately delay his work so as to get overtime. I have known such cases.

THE CHAIRMAN—It is possible things like that may occur, but I don't know that that has anything to do with the principle in this case.

HON. MR. HEWETT—It certainly does not obtain in British Colonies.

THE CHAIRMAN—Shall I bring it to the notice of the Governor that you refuse to pass the vote?

HON. MR. HEWETT—I don't refuse to pass the vote, but in view of the rule I think it would be more satisfactory to the committee to be informed who this officer is and what his duties are.

THE CHAIRMAN—He is an officer in the Mercantile Marine Office and his duty is in connection with the shipping and discharge of seamen. I should assume that you understand the details of that work better than I do. If a captain wants to get away at nine o'clock at night, it is hardly fair to expect this man to do the work without paying him something extra for it.

HON. MR. MURRAY STEWART—No doubt the vote is in order, but, as the items are described, it must strike anyone that this proportion of overtime allowance to pay is large.

THE CHAIRMAN—I think overtime is rather a mis-description; out of time or extra time would be better.

HON. MR. OSBORNE—Out of the office hours.

THE CHAIRMAN—Yes.

The vote was passed.

P. W. D.

The Officer Administering the Government recommended the Council to vote a sum of Four hundred and seventy Dollars (\$470) in aid of the vote, Public Works Department, Other Charges, Surveying Instruments.

Supreme Court

The Officer Administering the Government recommended the Council to vote a sum of One thousand two hundred and ten Dollars and sixty-three Cents (\$1,210.63) in aid of the vote, Judicial and Legal Departments, A.—Supreme Court, Other Charges, for the following two items—

Library	\$1,156.63
Newspapers	54.00

Total	\$1,210.63

THE CHAIRMAN—This is for a set of law reports for the Supreme Court Library which the Government had an opportunity to purchase cheaply.

THE ATTORNEY-GENERAL—They were Mr. Calthrop's law reports.

HON. MR. MURRAY STEWART—Who is responsible for the care of the books in that library?

THE CHAIRMAN—The Registrar, I think, but I wouldn't like to say so straight away.

HON. MR. STEWART—The reason why I made that remark was because I have heard it said that the books in that library were not, at one time, properly looked after, and it is rather useless to spend large sums on the books if they are not to be properly looked after.

HON. MR. OSBORNE—Will these books be transferred to the new Law Courts?

THE ATTORNEY-GENERAL—Yes.

HON. MR. OSBORNE—Can you give us any time? (Laughter.)

THE CHAIRMAN—Better give notice of the question to the Director of Public Works.

Education Expenses

The Officer Administering the Government recommended the Council to vote a sum of Forty Dollars (\$40) in aid of the vote, Education, Department of the Director of Education, Other Charges, Incidental Expenses.

Road Works

The Officer Administering the Government recommended the Council to vote a sum of Ten thousand Dollars (\$10,000) in aid of the vote, Public Works Extraordinary, Communications, Road extending along the north-eastern boundary of Kowloon Marine Lot 83 and Kowloon Inland Lot 1178.

Water Works

The Officer Administering the Government recommended the Council to vote a sum of Thirty-two thousand Dollars (\$32,000), in aid of the vote, Public Works Extraordinary, Water Works, Kowloon Water Works.

THE CHAIRMAN—This amount is necessary for the carrying on of this large

work up till the end of the year. The Director of Public Works will give you any further information.

HON. MR. HEWETT—What is this in connection with? Raising the dam of the Kowloon Waterworks?

THE DIRECTOR OF PUBLIC WORKS—The necessity for this vote has arisen through the failure of the contractor who was constructing the dam to fulfil his contract, and as a consequence the cost of the work has been materially increased.

HON. DR. HO KAI—You count on the sureties?

THE DIRECTOR OF PUBLIC WORKS—We will endeavour to do so.

HON. MR. HEWETT—That accounts for the \$32,000?

THE DIRECTOR OF PUBLIC WORKS—Yes.

HON. MR. MURRAY STEWART—Is this supposed to finish it?

THE DIRECTOR OF PUBLIC WORKS—There will be an amount in the estimates for next year of about \$11,000, and I think that will complete the whole work.

HON. MR. MURRAY STEWART—Do you think, then, there is some doubt as to whether you are going to get this amount back from the sureties to the contract? Do I gather that is your meaning?

THE DIRECTOR OF PUBLIC WORKS—There is always some doubt in such cases as to whether you will be able to get it.

HON. MR. MURRAY STEWART—It depends on the surety accepted.

THE DIRECTOR OF PUBLIC WORKS—The Government hold certain securities and I presume they will be realisable, but whether they will cover the whole amount remains to be seen.

HON. MR. KESWICK—On what principle do you let contracts? Do you not satisfy yourselves?

THE DIRECTOR OF PUBLIC WORKS—The contractor was in a position to carry it out when we let it to him, but since then matters have altered very

much.

HON. MR. KESWICK—What was the total amount of the contract?

THE DIRECTOR OF PUBLIC WORKS—\$500,000.

HON. MR. MURRAY STEWART—And the security?

THE DIRECTOR OF PUBLIC WORKS—I think \$10,000, but I would not like to say just now.

HON. MR. HEWETT—\$10,000 only for a contract of \$500,000?

THE DIRECTOR OF PUBLIC WORKS—Yes.

HON. MR. MURRAY STEWART—If you fail to recover, it will mean that the Government is let in for \$40,000.

THE DIRECTOR OF PUBLIC WORKS—I don't think it will exceed this amount of \$32,000.

HON. MR. MURRAY STEWART—Anyhow there was a possibility of losing \$30,000. It would be natural to expect that more security would have been arranged for.

THE CHAIRMAN—If we expected it, no doubt it would be arranged for.

THE DIRECTOR OF PUBLIC WORKS—The principle on which we go in letting contracts, generally speaking, is that we secure tenders from substantial contractors, and we make the security low so as not to unnecessarily tie up money and hamper them in carrying out the work.

HON. MR. MURRAY STEWART—One can quite appreciate that, but security for \$10,000 on a contract of \$500,000 seems inadequate.

The vote was then passed.

Appropriation Bill

HON. MR. HEWETT—I have not seen the papers, sir.

THE CHAIRMAN—They were laid on the table at the last meeting.

HON. MR. OSBORNE—I don't think they were. I did not see them.

THE CHAIRMAN—You will find "Post Office" on page 4"—

HON. MR. KESWICK—I suggest, sir, that we have an opportunity of looking over this. I dislike the principle of matters being rushed. I would like to look over this, and I don't think we have been treated with consideration.

THE CHAIRMAN—They have been laid on the table, and you have not taken them up.

HON. MR. KESWICK—Are you quite certain about that, sir?

THE CHAIRMAN—I am nearly certain about it.

THE REGISTRAR-GENERAL—I, too, am certain about it.

HON. MR. KESWICK—My memory is bad, I suppose.

THE CHAIRMAN—We can adjourn consideration of the Bill, anyway. There is no hurry.

HON. MR. KESWICK—I think we ought to have more time to look over the papers and see what is inside.

Consideration of the Bill was adjourned.
