

18TH AUGUST, 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. F. J. BADELEY (Captain Superintendent of Police).

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

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

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

HON. MR. E. A. HEWETT.

HON. MR. MURRAY STEWART.

HON. MR. E. OSBORNE.

MR. C. CLEMENTI (Clerk of Councils).

Minutes

The minutes of the last meeting were read and confirmed.

The King's Acknowledgment

The following letter from the Secretary of State for the Colonies was laid on the table:—

Downing Street, 1st July, 1910.

SIR,—I have the honour to acknowledge the receipt of your despatch No. 172 of the 21st May. Your despatch and its enclosures have been laid before His Majesty the King, who has read with deep interest the account of the proceedings on the date of His late Majesty's Funeral and considers that they were of a befitting character.

His Majesty commands me to convey to the Legislative Council an expression of his appreciation at their message of loyalty and devotion on his accession to the Throne.—I have, etc.

(Sd.) CREWE.

The Officer Administering the Government of Hongkong.

Financial Minutes

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table Financial Minutes (Nos. 63 to 66), 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. 9), and moved its adoption.

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

Probate Rules

THE COLONIAL SECRETARY—I beg to move, Sir, that the Council approve the rule and order under the Probates Ordinance, 1897 (No. 2 of 1897), as printed. These rules were made by the Chief Justice under authority of the Probates Ordinance, and it is intended to bring them into force with other rules made by the Executive Council.

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

A Projected Landing Place

HON. MR. STEWART asked—In view of the numerous steamers now anchoring off West Point, and the fact that officers and men of the Mercantile Marine find difficulty in engaging sampans in that neighbourhood, will the Government consider the advisability of erecting near the Sailors' Home a light bamboo pier, to serve as a recognised landing place under police control?

The COLONIAL SECRETARY, replied—The Government is considering the erection of a temporary pier in the vicinity referred to.

Magistrates' Amendment (No. 2) Ordinance

THE ATTORNEY - GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Magistrates' Amendment Ordinance, 1903."

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

The memorandum to the Bill states that knowingly harbouring a Chinese married woman without reasonable excuse is created an offence by Ordinance, but difficulty has arisen in proving that the man charged knew the woman harboured to be a married woman. The Bill amends Ordinance No. 19 of 1903 by placing upon the male paramour the duty of ascertaining other than from information supplied by the woman herself whether she was a spinster or a widow.

It also empowers the Magistrate to award damages not exceeding \$200 to the aggrieved husband in addition to the penalty prescribed by the Ordinance.

The Midwives Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to secure the better training of Midwives and to regulate their practice."

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

The memorandum to the Bill states that this Bill introduces the chief provisions of the Midwives Act, 1902. They are not to apply to Chinese unless they use the name of midwife in English or any title or description implying that they are certified under the provisions of the Bill.

The Kellet Island Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Kellet Island Ordinance, 1898."

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

The memorandum attached to the Bill states that this amendment is rendered necessary, as the occupation and control of Kellet Island was recently transferred to the Admiralty by arrangement with the War Office.

Segregation of Lepers Ordinance

THE ATTORNEY - GENERAL moved the second reading of the Bill entitled, "An Ordinance to provide for the segregation and treatment of lepers." In doing so he said—This Bill is based generally upon Ordinances which prevail in other colonies and dependencies of the Crown, so as the title says, to effect the segregation and treatment of lepers. Recently, Sir, an international scientific conference on the subject of leprosy was held, and it has been strongly urged that all the colonies and dependencies of the Crown should consider the subject of segregation. It has also been demonstrated to the conference that the spread of leprosy in a country is conditioned largely by the number of lepers coming in contact with the ordinary population. This Bill seeks to establish conditions in this Colony to provide for the segregation of lepers as in other parts of the world.

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

Council then went into committee to consider the Bill clause by clause.

On clause 5,

HON. MR. OSBORNE asked—How is a man to know where there is a government medical officer? Wouldn't it be better to substitute "police station"? That would be more convenient to people in villages on the mainland.

HIS EXCELLENCY—There is a medical officer for the New Territories on the mainland. On the islands people could inform the police.

HON. DR. HO KAI—The general practice is to report to the police first. I think we might say, to the medical officer or to the nearest police station.

THE COLONIAL SECRETARY—If a man were to report to a police officer whom he met on duty that would be quite good enough.

HON. DR. HO KAI—According to this section, the matter is not supposed to be reported to the police. I think it would be better to insert the words "police officer."

HON. MR. OSBORNE—Or at the nearest police station.

HON. MR. STEWART—Why nearest? Wouldn't any police station do?

CAPT. SUPT. OF POLICE—The object is to get the information to the medical officer, and it is for the police officer to forward it on.

HON. MR. STEWART—A man who feared he might get into trouble for reporting a leper would prefer to report him to a policeman at a distance.

CAPT. SUPT. OF POLICE—The only reason for reporting the matter to the police is to enable them to report to the medical officer.

THE ATTORNEY-GENERAL—It would be very difficult to prove that anybody gave verbal information to a perambulating constable.

CAPT. SUPT. OF POLICE—That would not do. It must be reported to a police station.

HON. MR. HEWETT—It could be reported to the officer on duty at any station.

HON. MR. STEWART—It would not do to have the matter reported to any Indian police constable.

HIS EXCELLENCY—I think we ought to say "to the officer in charge of a police station."

HON. MR. OSBORNE—Yes. Otherwise a man might report to the first small boy he met.

It was agreed to amend the section by adding the words "the officer in charge of a police station."

On clause 10, with regard to the imprisonment of lepers,

HON. MR. OSBORNE asked—Where is a leper going to be imprisoned?

HON. DR. HO KAI—In the asylum itself, I take it.

THE COLONIAL SECRETARY—There might be a prison at the settlement.

HON. MR. STEWART—Are you going to provide machinery in the leper asylum for dealing with prisoners and enforcing hard labour?

THE ATTORNEY-GENERAL—In other colonies I believe they have special wards in the prisons where lepers are confined. They had, I think, a special ward in Cyprus where a leper was isolated from the rest of the prisoners.

On clause 13, concerning regulations,

HON. MR. OSBORNE asked — Are these regulations, Sir, to be made without reference to the Legislative or Executive Councils?

THE DIRECTOR OF PUBLIC WORKS—They are made by the Governor-in-Council.

HON. MR. STEWART—I recommend that these regulations should be laid on the table at this Council.

THE COLONIAL SECRETARY—You could raise the question at the next meeting if there were objections to the rules. They will be published in the *Gazette*.

HON. MR. STEWART—That will be much less convenient than having them laid on the table at this Council. The advice of the senior unofficial member would be very valuable in drawing up such regulations.

THE COLONIAL SECRETARY—We have the Attorney-General to do that.

HON. MR. STEWART — With the special knowledge of the Chinese population which the senior unofficial member possesses it would be very advisable to have his opinion in the drawing up of such regulations. I will move that instead of being published in the *Gazette* they be laid on the table of this Council.

HIS EXCELLENCY—We have got the Ordinance. Here are the principles laid down, and we are only following the precedent

of many other Ordinances in giving the Governor power to make regulations for the carrying out of the details.

HON. MR. HEWETT—I think the Governor-in-Council, Sir, will be perfectly satisfactory. He makes most of the regulations of Ordinances in this Colony.

HIS EXCELLENCY—I may inform you that the necessity for establishing such an asylum has not yet arisen, and I hope it will not for some years to come.

HON. MR. STEWART—This is mainly a matter for the native population, and if the senior unofficial member is satisfied with the Ordinance as it is I will not press the point.

HON. DR. HO KAI—I take it that when there is anything upon which the Government wish our views they will be ascertained as before?

HIS EXCELLENCY—The regulations are merely for carrying out the principles of the Ordinance. (To Hon. Mr. Stewart)—Do you wish to press your motion?

HON. MR. STEWART—No.

The clause as read was passed.

HON. MR. OSBORNE—There does not appear to be any provision, Sir, for the inspection of this asylum such as is done in the case of the gaol.

THE ATTORNEY - GENERAL—Clause 13.

HON. MR. STEWART—That deals with inspection of lepers before they are removed to the asylum.

HON. MR. OSBORNE—I mean an inspection, as for instance, by the Justices of the Peace, such as is done in the case of the gaol, the hospital, and the lunatic asylum. This Ordinance gives great powers to the medical authority, and medical men, sometimes, like others, make mistakes.

HON. MR. STEWART—As representing the Justices of the Peace, I should object to any proposal making it incumbent upon them to inspect a leper asylum.

THE ATTORNEY-GENERAL—I was one of the members of the Executive Council of Cyprus who used to inspect lepers once every three months.

HON. MR. OSBORNE—Sometimes we come in contact with lepers on the mainland, but that is not the point. The point is that a man may be apparently suffering from leprosy and detained illegally and he will have no appeal from the medical officer. How is that man going to bring his case to the notice of his friends?

THE COLONIAL SECRETARY—It could be done under sub-section F of section 13 for ensuring the well-being of such an asylum.

HON. MR. OSBORNE—We should like something provided in the Ordinance to prevent abuses.

HIS EXCELLENCY—There might be a clause inserted like we have in the Prison Ordinance: "The Governor shall from time to time appoint, with their consent—with their consent, sir—(laughter)—Justices of the Peace to be visiting Justices for periods specified.

HON. MR. STEWART—That meets the case.

The Bill was left in committee.

Marriage Ordinance Amendment

THE ATTORNEY - GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Marriage Ordinance, 1875." In doing so he said—This Bill, as stated in the memorandum, is to check the number of civil marriages which are contracted at the Registrar-General's office here. There are objections to permitting Chinese to contract civil marriages at the Registrar-General's without any regulation. Instances have occurred, and have been brought to notice, of marriages contracted by parties, to which in their own country there would have been some legal impediment. There are marriages contracted here which in all probability would not be recognised by the families of each contracting party in China. This Bill, therefore, provides safeguards. It requires, under the new section 37, that information

shall be afforded to the Registrar-General that both parties were born in the Colony or are permanent residents therein, that a marriage has already been contracted between the parties according to the rites and customs of China, and that neither party has living an undivorced husband or wife. The proviso reserves the Governor's general power to grant special licences. The new clause 38 re-enacts section 37 of the old Ordinance subject to the provisions and exceptions which are enumerated in the preceding clause. The Bill, Sir, I understand, has received generally the support of the District Watch Committees.

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

Council then resolved itself into a committee of the whole to consider the Bill clause by clause.

On sub-section b,

HON. DR. HO KAI suggested that besides the words "where a marriage has already been contracted" the words "or being at the same time contracted" should be inserted. As a rule, the marriage according to the custom observed in China is being contracted. They do not come before the Registrar-General after they have completed the marriage contract, but it is carried on at the same time.

THE ATTORNEY - GENERAL asked what proof they could show the Registrar-General that they had been married.

HON. DR. HO KAI said that as a rule some of the rites had been performed, presents exchanged, and so on.

THE ATTORNEY-GENERAL said the difficulty was that we did not recognise betrothal as a contract, not so far as marriage was concerned. It might be recognised according to Chinese law. Would a betrothal, according to Chinese law, have the same effect as an actual form of marriage?

HON. DR. HO KAI—Yes, a betrothal is quite binding.

THE REGISTRAR-GENERAL — Hakkas are betrothed in early infancy. I think it would be rather a large amendment to include the case of Hakkas who are betrothed at the age of seven or eight.

CAPT. SUPT. OF POLICE — Why cannot they finish their Chinese marriage before they come to the Registrar-General?

HON. DR. HO KAI—In accordance with Chinese rites there are many ceremonies to be performed one after the other, and if, after all there, you required them to come before the Registrar-General to go through yet more ceremonies you are only prolonging the agony.

CAPT. SUPT. OF POLICE—They cannot be doing two things at once.

HON. MR. HEWETT—Supposing your amendment was accepted, what would be the period of the betrothal, a few days, several months, or years?

HON. DR. HO KAI—Only a few months.

HON. MR. HEWETT — The Registrar-General suggested that it might be possibly seven or eight years.

HON. DR. HO KAI—Yes, that is with the Hakkas.

THE ATTORNEY-GENERAL—I don't think there is any objection to the amendment of the hon. member, if the parties can satisfy the Registrar-General that there is a betrothal.

HON. MR. STEWART referred to the word "permanently," and said he did not quite understand the necessity of requiring a person to be permanently resident in the Colony. That would cut out quite a number of people who come here for a time.

HIS EXCELLENCY—We want to cut them out. The object of the Ordinance is to reduce the number of these marriages before the Registrar-General. In case of people going to America a man sometimes comes along with a woman and wants to get married, and the woman may have been kidnapped, while the man may have a wife living in China. There may be all sorts of hanky-panky going on. I think we had better leave this. It has been carefully considered by the Registrar-General.

On Council resuming,

THE ATTORNEY-GENERAL moved the third reading of the Bill.

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

Highways Ordinance.

THE ATTORNEY-GENERAL — With reference, Sir, to the next order of the day, the Highways Bill, I would ask the Council to permit the Bill to be recommitted in order to insert a clause of practically a formal character which, I think, is desirable should appear upon the face of the Ordinance. The Harbour of Refuge Ordinance, 1909, gives certain powers to the Government to remove, revert, stop up and so forth, works necessary for the purpose of that Ordinance. The language is somewhat similar to the language employed in the present Ordinance, and I think it desirable that express words should be inserted in this Ordinance so as not to conflict in any way with the words of the Harbour of Refuge Ordinance.

THE COLONIAL SECRETARY seconded, and the motion was agreed to

Council then went into committee.

THE ATTORNEY-GENERAL—I beg, Sir, to add at the end of the Bill a clause to read as follows: "Nothing in this Ordinance shall affect the provisions of the Harbour of Refuge Ordinance, 1909, or any works commenced or to be commenced thereunder."

HON. MR. STEWART—Might I ask, Sir, if there is any trouble over the Harbour of Refuge scheme; whether any claims are being made with respect to grounds more or less touched upon by this bill?

THE ATTORNEY - GENERAL — The Harbour of Refuge Ordinance makes express provision for compensation, but the wording of section 5 of that Ordinance, which affects the Harbour of Refuge, conflicts somewhat with the words in the Ordinance. I think it desirable that there should be no possible conflict between the two Ordinances.

HIS EXCELLENCY—You ask whether claims have been put in. Of course claims have been put in under section 12. Owners of land have a right to claim compensation for access to the sea being cut off, and so any deprivation of access to the sea or any injury due

to any works carried out under that Ordinance can be made the subject of claim and must go to arbitration.

On Council resuming,

THE ATTORNEY-GENERAL moved the third reading of the Bill.

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

HIS EXCELLENCY—Council adjourns until this day fortnight.

FINANCE COMMITTEE

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

Disinfecting Station.

The Officer Administering the Government recommended the Council to vote a sum of Four thousand Dollars (\$4,000) in aid of the vote Public Works, Extraordinary, Permanent Shed for Ambulances, Carts, etc., at the Disinfecting Station.

Cadet Allowance.

The Officer Administering the Government recommended the Council to vote a sum of one hundred and five dollars (\$105) in aid of the vote, Colonial Secretary's Department and Legislature, Other Charges, Language Study Allowance (Hakka Dialect, Chinese) to Passed Cadet.

New Sites.

The Officer Administering the Government recommended the Council to vote a sum of Five thousand Dollars (\$5,000) in aid of the vote Public Works, Extraordinary, Public Health and Buildings Ordinance, 1903, New sites for the inhabitants in Ap Liu Village.

THE CHAIRMAN said this village had been condemned as being very insanitary and the villagers had to be removed to another site. The cost of removal would be about \$16,300, of which about \$9,000 would be recovered from the villagers either in the

shape of Crown rents, or premium and Crown rent combined. That would leave about \$8,000 for the Government to expend.

HON. MR. OSBORNE—Where is this village?

THE DIRECTOR OF PUBLIC WORKS — Immediately beyond Sham Sui Po.

HON. MR. OSBORNE—Why should the Colony pay for this?

THE CHAIRMAN—It is on account of the resumption of an insanitary area. It is practically similar to the resumption of the properties at Taipingshan in 1895. We are moving the people out. They get nothing out of it, except new sites.

THE DIRECTOR OF PUBLIC WORKS—They get new sanitary sites in exchange for their old insanitary sites.

HON. DR. HO KAI—And no compensation for their houses.

HON. MR. OSBORNE—What are their houses, old wooden shanties?

THE DIRECTOR OF PUBLIC WORKS—They get no compensation. They dwell in matsheds.

HON. MR. HEWETT understood that the village had been there since we took over the New Territories.

THE DIRECTOR OF PUBLIC WORKS—That is what I understand.

HON. MR. HEWETT—It is rather an important point.

HON. MR. OSBORNE—Is this in Cheungshawan bay?

THE DIRECTOR OF PUBLIC WORKS—Yes, it is in the south-east corner.

HON. MR. OSBORNE—I can speak from personal knowledge. I think it did not exist ten years ago.

THE CHAIRMAN—According to the assistant Land Officer they claim to have been there twenty years.

THE DIRECTOR OF PUBLIC WORKS—I think the claims have been admitted by the Land Court.

HON. MR. HEWETT—There appears to be a doubt about it. The principle is an important one, and I suggest that the question should stand over until next meeting.

THE CHAIRMAN—State the specific questions on which you want information.

HON. MR. HEWETT—If this is a squatters' village I don't think the villagers are entitled to compensation.

THE CHAIRMAN—They claim twenty years' residence and no question has been raised.

HON. MR. OSBORNE—I have walked over that spot hundreds of times, and I am perfectly sure that these people gradually moved towards the north as they were turned out of one place after another. There were certainly no boatbuilding yards there twenty years ago.

THE CHAIRMAN—As we might be talking about different villages I think we had best postpone the matter. There is no great hurry.

HON. MR. HEWETT—I think we ought to be provided with a plan so that we can look into the matter and be satisfied that these are not migratory squatters' villages.

THE CHAIRMAN—Very good.

Harbour Master's Department.

The Officer Administering the Government recommends the Council to vote a sum of Four hundred Dollars (\$400) in aid of the vote Harbour Master's Department, A.—Harbour Office, Other Charges, Paint and Brushes.