

23RD FEBRUARY, 1911.

PRESENT:—

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

HIS EXCELLENCY THE GENERAL OFFICER
COMMANDING THE TROOPS (MAJOR-GENERAL C.
A. ANDERSON, C.B.).

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

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

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

HON. MR. E. A. HEWETT

HON. MR. E. OSBORNE.

HON. MR. KESWICK

MR. R. H. CROFTON (Clerk of Councils)

Minutes

The minutes of the last meeting were read
and confirmed.

New Member

MR. C. CLEMENTI took the oath and
assumed his seat as a member of the Council.

Financial Minutes

THE COLONIAL SECRETARY, by
command of His Excellency the Governor,
laid on the table Financial Minutes (Nos. 3 to
5 and 7 to 16), and moved that they be
referred to the Finance Committee. In

connection with minute No. 16 he also laid on
the table Sessional paper No. 2 of 1911.

THE COLONIAL TREASURER seconded.

HIS EXCELLENCY — In connection
with Financial Minute No. 16, which is for a
large sum—\$12,800—I invite your attention
to the Sessional paper No. 2, which has been
laid on the table. It fully explains the
proposals which for brevity I may call the
free passage scheme for subordinate officers.
The Colonial Treasurer will explain in
Committee any details upon which hon.
members may desire fuller information. I
merely propose to outline the general purport
of the scheme. You will see on page 3 of the
Sessional paper that as long ago as the 1st
August, 1908, the overseers of the Public
Works Department presented a petition in
regard to their leave and pay. On the 9th
October I appointed a committee to consider
the questions raised, which, briefly, are that
they should have free passage Home, and that
the cost should be made good to Government
by shortening the period of their leave, and
by giving no extra pay to the acting officer. I
also recommended to the committee to
consider whether the scheme — which I
thought was an excellent one—could not be
applied to all departments of the Government,
and not to the Public Works Department only.

The report of the committee and the
calculations on which it is based appear on
pages 4 and 5. It was dated April 5th, 1910. It
was submitted to the Secretary of State by the
Officer Administering the Government on
June 9th in a despatch in which he alluded to
various points which had arisen, and he
recorded my own opinion with reference to
the proposed reduction of $2\frac{1}{2}$ per cent. from
the pay of the men. The reply of Lord Crewe
appears on page 6, and the final conditions
a r e e m b o d i e d o n p a g e 7 .

I may say that the scheme has been welcomed by all to whom it applies, and I think it will be a very great boon to subordinate officers of the Service, who are compelled at present to contract debts in order to avail themselves of the privilege of going Home. The cost to the Government will either be very small or none at all. It is very difficult to say what the precise amount will be, because the grant of free passages may induce more men to marry. The scheme has taken a considerable time to mature, but I can recommend it to the members of the Legislative Council as, in my opinion, a thoroughly sound one, and I hope you will endorse it by passing the financial minute which will bring it into operation. The large sum which is voted is merely in anticipation, and will be recovered during the course of the year.

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. 1), and moved its adoption.

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

Clock Tower for the New Post Office

HON. MR. POLLOCK—Your Excellency, I beg to move "That in the opinion of this Council it is desirable that a Clock Tower should be erected on the New Post Office according to the projected design, with a suitable clock in it." Your Excellency may notice that in reading this resolution I have substituted the word projected for the word original, and I would ask your Excellency's leave to make that amendment, because I have found, Sir, that it was not part of the original design that a tower with a clock should be erected on the top of the Post Office. I have ascertained, Sir, on looking back through Hansard that the clock and tower did not form part of the original scheme in connection with the Post Office, but that, Sir, as I shall proceed to show, only makes the case in favour of this resolution all the stronger. The first reference that I have been able to find in Hansard relating to a tower and clock on the Post Office is contained in the speech of our recent Colonial Secretary, Sir Henry May, at the meeting of

the Hongkong Legislative Council on the 21st October, 1909. In that speech to the Council the then Colonial Secretary stated that your predecessor, Sir, recommended to the Secretary of State that a tower should be added to the Post Office and a clock erected in that tower in order, of course, that the clock might serve a really useful purpose and be seen from the harbour. Your Excellency will find the speech from which I am quoting on page 156 of Hansard of 1909, and lower down, Sir, upon the same page in the same speech, the Colonial Secretary stated that at the beginning of that year arrangements had to be made for adding a clock tower to the Post Office. Therefore, Sir, the position of affairs is this, that after the Post Office had been under weight for a considerable time, and its construction had made considerable progress, your Excellency's predecessor, Sir Matthew Nathan, came to the conclusion that it was desirable that a tower should be added with a clock in it for the benefit of the public generally, and that it might be seen also by shipping in the harbour. And in pursuance of the arrangements which are referred to in that speech of the Colonial Secretary the Government took steps to erect at a cost of nearly \$40,000 a huge pedestal for that tower to stand upon. That pedestal, Sir, is, I venture to submit to this Council, a very ugly object indeed. It projects above the roof of the Post Office, and it not only offends the eye, but it contravenes what I understand to be one of the primary canons of architecture, namely, that every part of a building should serve either an ornamental or a useful purpose, Sir, we in this Colony are justly proud of our harbour and of our water-front, and we consider that our prominent public buildings ought to be finished in such a way as will reflect credit upon this Colony and will make a good impression upon the very numerous body of travellers who pass through here. The further expenditure required to put on the tower and the clock, we have been told, in answer to a question which I put in this Council, will amount to a sum of \$70,000. That, Sir, is, I submit, although not a small sum in itself, a comparatively small sum to pay in view of the fact that in round figures a sum of one million has been spent or is in course of being spent on the Post Office. It may be, Sir, that the Government proposes

only to defer this work, but I would submit that that is a very inexpedient course to pursue, because I think I may say that the general experience of this Council is that the longer you postpone your works the more you have to pay for them in the end. And, Sir, if we do not now carry on with the clock tower as intended by the Government until apparently quite recently, I think it is safe to say that if a new contract is to be entered into there is very considerable danger that the Colony in the long run will have to pay a good deal more than if this present contract is carried through to a natural termination. I think, Sir, I have said quite enough to commend this resolution to the acceptance of the Council, and I hope your Excellency will see your way to accept it; but if your personal view should be against the completion of the Post Office as originally designed I hope you will at least grant liberty to every individual member of this Council to vote as he pleases. Your Excellency may remember that in the somewhat cognate case of the question of a tramway going up through the Botanical Gardens to the Peak your Excellency left liberty of voting to members of this Council, and I would submit, Sir, that this is a somewhat similar case as that was of ornamental and artistic beauty, and I would ask, Sir, unless you are prepared to accept my motion, that you allow members of this Council liberty to vote as they think fit.

HON. MR. KESWICK—Your Excellency, my hon. and learned friend on my right in proposing this motion has made no reference whatever to the old clock tower now standing at the head of Pedder Street, that tower which has served its purpose and which some think may serve a like purpose for years to come.

HIS EXCELLENCY — Do you rise to second the motion?

HON. MR. KESWICK—Yes. I submit, Sir, that averse as I am, more averse probably than many members here, to the removal of ancient landmarks and monuments, the time has come when that old clock tower is better out of the way, and taking that in conjunction with this proposal to put a clock on the new Post Office—and I think the two must be taken together—it appears to me that it is essential that this Colony should have some timepiece to set the time for us. As most of

you know, a gun is fired with a certain amount of accuracy every day at twelve o'clock, but this is merely the old custom of a private firm, and we have nothing whatever except the falling of the time-ball to show the people of the Colony how to regulate their affairs, to be punctual, and conduct their business generally with regard to time. The cost put forward by the Public Works Department, \$70,000, appears to me a very high one, but even if that price is the lowest which can possibly be obtained, yet I think the mover of this resolution is entirely correct in urging you, Sir, and members of this Council to make a vote which will enable us to proceed to the completion of this general scheme, and that we have a clock on the Post Office in a position which shall be visible on the harbour, on the Praya, and in many other directions. I am perfectly certain it will serve a most useful purpose. I am not an expert architect, but I have a certain amount of knowledge of the needs of this Colony with regard to time. Time is the most precious thing we have got, and therefore if we have something that can give us the right time, the Colony will be the better for it. I would therefore urge you, Sir, and the gentlemen of this Council to pass the resolution which has been so well put by my hon. and learned friend on my right.

HON. MR. HEWETT—Your Excellency, I find myself in rather a difficult position. I am distinctly sitting on a fence, which is not an attitude as a rule that I adopt either in this Council or in any other, but I am pulled two ways. Whether it is worth while that this Colony should spend £6,000 or £6,500 on a clock tower is for the financial advisers of the Government to inform us. No! The hon. member on my left shakes his head, so I presume he does not see his way to raise such an enormous sum of money. I agree with the proposer and seconder that we should have an official clock in Hongkong, something by which we can feel quite sure that we shall not miss our tram or ferry. By setting our watches by our dear old friend in Pedder Street now we find that the Tramway's clock is three or four minutes and the ferry's one or two minutes ahead of our dear old friend. The seconder of the resolution has some interest in the Tramway and, I believe, in the Ferry, and he might ask

these good people to adjust their clocks. If we still require a clock to tell us to run for the tram or the ferry, it would be a very good thing. On general principles, I think we should have a clock on the Post Office, but I don't at all agree with the seconder that the existence of a clock at the top of the Post Office need necessarily mean the removal of our old friend in Pedder Street. The two things are entirely distinct, and if the Council agree to the construction of a clock tower on the Post Office I don't think that ought to sign the death warrant of our old clock in Pedder Street. If I thought that in voting for the clock tower I was signing the death warrant of this old friend of ours I would vote against it. I propose to vote for the erection of a clock on the Post Office on the distinct understanding that it does not destroy our old friend in Pedder Street.

THE DIRECTOR OF PUBLIC WORKS—
Sir, it was my intention to correct my hon. friend on my left as regards the terms of his resolution in which he refers to the carrying out of a clock tower in accordance with the original designs, but he saved me that trouble by making the correction him-self. It may be useful if I just give a brief account of the history of the proposed clock tower, a proposed structure which has had a somewhat chequered career. When the present clock tower was erected it was approximately on the sea front, for at that time the waters of the harbour came up to what is now the north side of the Post Office. Naturally when the last reclamation scheme was carried out it was intended that a clock tower should be provided on the sea front there, and provision was made in the carrying out of that work for the erection of a tower at the base of what is now Blake Pier. In the Estimates for 1899 and 1900 an item appeared under the designation "new clock tower," the estimated cost being stated at \$30,000. In these days it was the practice to insert in the Estimates contemplated public works, though it might not be intended to proceed with them in the immediate future, and the clock tower was inserted in that way, no provision being made for the carrying out of the work. This practice was altered in the following year, 1901, and the Estimates for that year contained no reference to the clock tower. At the end of 1900, shortly after the new pier known as

Blake Pier had been opened, my predecessor, Mr. Ormsby, proposed to the Government that a clock tower and waiting-room should be erected at the base of Blake Pier, and he suggested that the design for it should be the subject of public competition by architects. His proposal was adopted and designs were obtained early in 1901. In the 1902 Estimates provision was made for carrying out the selected design, the estimated cost of which was \$102,500, and provision was made in the Estimates to expend \$25,000 for proceeding with the work. When tenders were called for, however, the lowest of those received amounted to \$183,913.73, and shortly afterwards the contractor who had sent it in notified the Government that he had made a miscalculation, and that 16 per cent, would be added, amending the tender and thus increasing it to \$213,340. For that reason and owing to the urgent necessity for other public works of real necessity the proposal to erect this clock tower was abandoned, and it was not until after the construction of the Post Office had been begun that the idea was revived. Sir Matthew Nathan in 1905 proposed that a clock tower should be added to the Post Office building, and though my hon. friend on my left has been unable to find any reference in Hansard to such an addition to the building the fact remains that a design was shown to members in a somewhat informal fashion at a Council meeting in this chamber somewhere in 1905, or the early part of 1906. The erection of the clock tower, Sir, is a matter that I am sure would willingly be carried out by the Government provided the funds were available, and it is purely on that ground that the difficulty lies in the way of carrying out the work. The pedestal to which my friend has referred is not extremely unsightly, I think. It is screened to a large extent, and is not a very conspicuous object. As regards the carrying out of the tower under the existing contract, the present contract was let before the decision to construct the tower was arrived at, so there can be no material object gained in attempting to complete the work under that contract. The result of doing so means that you are at the mercy of the contractor, who has a contract for the building generally, without having arranged any terms with him in advance for the carrying out of this important addition

to the work. On these grounds, Sir, I fear that the proposal, whilst acceptable in principle, cannot commend itself to the Government at the present time.

HIS EXCELLENCY — Gentlemen, — The proposer of this resolution has alluded to the debate reported in Hansard of October 21st, 1909, in which Sir Henry May, then Colonial Secretary, said that my predecessor had proposed to have a clock tower erected on the Post Office. I see further in that same speech that Sir Henry May said speaking of myself, "You have at present, Sir, under consideration whether in the present state of the finances it would be worth while erecting a costly tower at the Post Office. Till that question is decided the question of the removal of the existing tower does not press." The position as it stood in 1909 is the position with which we are faced to-day, but it is more aggravated. We now have, as you know, a railway loan amounting to somewhere about £1,200,000, and the interest on that sum, including Sinking Fund, say, a total of four and a half per cent. will amount to somewhere about six lakhs a year. We have also had losses in connection with the opium revenue, and as I shall have occasion to tell you on the introduction of the Consolidating Liquor Bill our revenue from that source does not come up to expectations. Therefore, it is impossible at the present time for the Colony to embark on any work which is not absolutely necessary.

The hon member alluded to the million which has been spent on the Post Office as an argument for the expending of an extra \$70,000, for a tower on the top of it. The Post Office is not the only office to be accommodated here. This new building is to give room for a large number of public offices and is exceedingly urgently needed. The million spent upon them is, in my judgment, money well laid out. Both the mover and the seconder of the resolution alluded to the pride which the Colony has in its waterfront. That we all share. But so long as we are prepared to allow "the finest site in the Colony" to remain derelict we cannot afford clock towers.

My learned friend asked if my personal view was in accord with his resolution, and I can assure him that it is most cordially so. I

will if Council desire it insert an item in the Estimates without making actual financial provision for it in order to serve as a reminder that we desire a clock tower over the Post Office, but I do not think we shall be able to spare the money for several years to come. The tower can be erected at any time without interfering with work in the public officers. Therefore, its postponement for a year or two will not in any way relegate it to the Greek kalends. The hon. member who represents the Chamber of Commerce impressed upon the Council the great desirability of having some standard time by which to set our watches. I have always thought that the time-ball effected that object in the best possible way, for it gives the most accurate time. We are, so far as that side of the question goes, very well provided in this Colony.

If the hon. member will consent to amend his resolution so as to read that "in the opinion of this Council it is desirable, as soon as the finances of the Colony shall permit, that a clock tower should be erected on the new Post Office according to the projected design with a suitable clock in it," I shall be most glad to accept the resolution.

HON. MR. POLLOCK—I am prepared to accept the amendment just suggested by your Excellency. I did not suggest because a million has been already spent that we should spend another \$70,000. I said that \$70,000 was a comparatively small sum compared with the million for the purpose of completing the Post Office as Sir Matthew Nathan suggested to the Secretary of State with the clock tower on top of it.

The resolution as amended was agreed to.

Questions

THE HON. MR. OSBORNE asked the following questions:—

1. With reference to the answer given at the last meeting of this Council to my question concerning progress on the new Typhoon Refuge, will the Government cause to be laid on this table half-yearly a statement of payments due to the contractor in the form suggested in my letter to the Colonial Secretary dated the 13th January?

2. Will the Government state (a) the number of cases of theft from ships and lighters in the Harbour reported to the Police during the year 1910, (b) the value (if known) of the goods stolen?

3. Will the Government cause enquiry to be made into the alleged prevalence of theft from ships and lighters in the Harbour and the best method of preventing injury to the Colony's trade from this cause?

THE COLONIAL SECRETARY replied to the questions as follows:—

(1) The Government is prepared to lay on the table half-yearly statements in the form suggested by the hon. member, but such statements cannot be relied upon to furnish a satisfactory indication of the proportional rate of progress of the work owing to the various items of work involved being priced at widely-varying rates.

(2) Thefts from ships and lighters in the harbour may be conveniently divided into three main categories, viz., thefts of

- A. Ships' Stores
- B. Personal Chattels
- C. Cargo

Of thefts of the first class (anchors, rope, tarpaulins, paint and so forth) there were 29 cases reported to the Police in 1910 of a total value of \$2,175, and 6 cases in which the value was not stated. Of the second class (mostly money, jewellery and clothing) there were 34 cases reported of a total value of \$2,228, and one (a cigarette case) of which the value was not stated. Of the third class there were four large thefts reported, viz.:—

1. Piece Goods.....	\$600
2. Opium.....	2,400
3. Silk.....	16,000
4. Silk.....	7,000

and seven smaller thefts of a total value of \$671. In case (2) a large amount of the opium was recovered. Some of the thieves in case (3) are under arrest in Canton. In case (4) the shortage was not discovered until the steamer had arrived at another port, but it is believed that the silk was stolen in the waters of the Colony. Information was also received of two large shortages of tin discovered on the arrival of the steamers at distant ports, and it seems probable the tin in question was stolen here.

(3) The suggested enquiry is being made and methods of prevention are under consideration.

Harbour of Refuge Amendment Ordinance

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

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

The objects and reasons attached to the measure state the Harbour of Refuge

Ordinance, 1909, provides that claims for compensation by reason of injury to property from its access to the sea being interfered with by the works authorised shall be in the absolute discretion of the Governor. His Excellency deems it irregular that such *quasi* judicial power should be placed upon him, who has sanctioned each step taken by the Executive, and when the facts are in dispute and evidence is to be tendered in respect of them it should be the function of a judicial officer and not the Head of the Executive to decide the question. The Bill amends the Ordinance by delegating to one of the Judges of the Supreme Court the power of deciding the amount of compensation under the terms of the Ordinance to be awarded when a claimant is dissatisfied with the compensation proposed to be awarded by the Governor, and invests in such Judge the necessary powers for the purpose of investigating any such claim.

Liquors Consolidation Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to consolidate and amend the law relating to Intoxicating Liquors."

THE COLONIAL SECRETARY seconded.

HIS EXCELLENCY—When the Liquors Bill was introduced into this Council on the 10th September, 1909, I made a somewhat long speech explaining the objects and reasons of the Bill, and I stated that "in the circumstances in which it was introduced it would inevitably partake of the nature of hasty legislation." I therefore undertook to introduce as soon as possible a consolidating and amending Ordinance. Since that time we have had a number of amending Ordinances, which have been introduced as occasion arose to meet the difficulties which were inevitable in the endeavour to impose a duty on one particular import in what is otherwise a free port. The Officer Administering the Government during my absence from the Colony considered it advisable to postpone the introduction of this consolidating Bill until my return, but I

may say that it has been under consideration continuously for fully a year past. We have done our very best to meet the interests of those who are more immediately concerned, and to avoid cause of friction and difficulty.

In the few observations which I now propose to make I have two objects. In the first place, I want to explain, as I hope I have already sufficiently done, both the object of this Bill and the causes of its delay; and, secondly, to intimate to hon. members the main point on which I anticipate that discussion will turn in the second reading. When we instituted the duties on liquor, we anticipated that we should derive from that source some five or six lakhs, and the hon. member for the Chamber of Commerce, I recollect, in the debate anticipated it would be "something over a million."

HON. MR. HEWETT—I said ten lakhs, Sir.

HIS EXCELLENCY—In the Estimates for the current year we have put down the sum expected to accrue from these duties as \$725,000, and if that sum is not realised we shall either have to face a deficit at the end of the year, or we shall have to impose some new tax to take effect during the current year. I am sorry to inform you that the duties during last year, 1910, have amounted only to \$387,788, the cost of collection for which has been \$64,320, and when we deduct the military contribution, which is payable on the gross amount, the net revenue is something rather less than $2\frac{1}{2}$ lakhs. We shall therefore have to consider, I am afraid, when this Bill is in committee, whether or not it will be advisable to increase the tariff and whether or not it will be possible for us, in the financial stringency which we have to face, to continue the rebate to the military and naval authorities.

The motion was agreed to.

Hongkong University

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance for the incorporation and regulation of the University of Hongkong."

THE COLONIAL SECRETARY seconded.

HIS EXCELLENCY — Gentlemen, — The project to which the Bill before you gives the sanction of law is so well known to all the members of this Council that there is no necessity for me to go over familiar ground

on this occasion. In brief, the circumstances are that early in 1908 the Hongkong College of Medicine, which has done most admirable work in this Colony for the last twenty years, was about to build premises on a very restricted site which is incapable of expansion. The question of establishing a University, which had been mooted from time to time, in which the first faculty would be that of medicine and which would absorb the College of Medicine, thus became an urgent one, and we were forced to decide whether or not this scheme should be abandoned or should take shape.

You are all familiar with the facts how Mr. (now Sir Hormusjee) Mody, came forward with an offer to erect the buildings at his own cost; how Mr. J. H. Scott on behalf of Messrs. John Swire & Sons and allied firms offered a sum of £40,000 partly in debentures and partly in cash as the nucleus of an endowment fund; how the Colonial Government, with the sanction of the Secretary of State, provided an adequate site, and how his late Majesty King Edward showed his personal interest in the matter by directing that the sum of £300 per annum granted by the Imperial Government should be devoted to scholarships called after his own name, and also by conferring the honour of knighthood upon Mr. Mody.

The Chinese took up the scheme with much enthusiasm under the guidance and inspiration of the senior unofficial member of this Council, and they were cordially supported by the Viceroy of Canton, his Excellency Chang Jen Chun, who himself subscribed two lakhs of dollars and started a subscription in Canton. The Chinese communities in various parts of China and also in other countries such as Saigon, Australia, Penang and elsewhere, came forward with subscriptions. The British firms in this Colony subscribed most generously, and the total result was that at the end of last year the endowment fund stood at the figure of \$782,345, exclusive of Messrs. Butterfield & Swire's subscription. Including that, and converting it at 1/9 per dollar, the total endowment fund stood at \$1,239,828 at the end of last year. (Applause.) In addition a separate fund of \$20,000 has been raised to build an

anatomical theatre. The foundation stone of the building was laid on the 16th March last, and good progress has been made. The buildings are estimated to cost considerably over three lakhs of dollars. The University, however, still needs a considerable sum to complete the endowment fund, if it is to be worthy of so ambitious a title, and to afford instruction in many branches of human knowledge and to promote research. I am informed that the prospects of raising considerable additional funds are very good.

That, gentlemen, is the present state of the material side of this question. I think that the generosity both of the Chinese and of the British community affords undeniable proof of the wide interest taken in this scheme, and for my part I think it nothing short of marvellous that at a time when the Colony was suffering from trade depression and from additional burdens it should have dared to embark upon such an ambitious scheme, and having dared should succeed so well. (Applause.)

What is the purpose of this University? And what are the motives which have prompted such a generous response and stimulated such unfailing effort when the prospects of success seemed so remote? The object of the University is that this Colony shall become a centre of higher education in the Far East, that it shall attract here those, especially Chinese, who are in search of Western knowledge instead of subjecting them to a long period of exile in a foreign country. We all take pride in the history of our Colony. We look back to the time when Hongkong was a little barren island practically uninhabited and contrast it with the development of to-day when it is the largest port in the world. Year by year it claims increasing importance as an industrial centre. Its docks have taught thousands of Chinamen to become skilled workmen, and its schools have educated many of China's prominent administrators. To-day the thirst for Western knowledge has become one of the marked features of the progress of China. Hundreds of students are flocking to the United States, to Europe and to Japan, fifty at a time. It is as impossible to check this movement, if there were any one who wished to do so, as it would be to arrest the movement of the tides of the ocean. I think

myself that posterity will applaud the foresight which has prompted the people of Hongkong to take a leading part in this great movement instead of hanging back and leaving the task and its fruits to others. (Applause.) It has already promoted cordiality between ourselves and China, and Hongkong will earn a new distinction, as being a University centre, which will attract the best class of Chinese and as a result will bring material benefit to the Colony.

But it is not so much material benefit that we seek as moral influence. The *alumni* of our University will carry away with them an impress of British character and learn to understand our methods better—better indeed than if educated as isolated aliens at some of the large university centres of England. I hope they will take away not only a thorough knowledge of the English language, but a sympathy with English character, I believe that this Bill to incorporate the University of Hongkong is one that is pregnant with the greatest possibilities—greater than any of us can gauge to-day, and I believe that if this University is developed on the best lines it will be one of the greatest things on which this Colony has ever embarked—(applause)—greatest both with regard to the good it may effect for China and in beneficial results to the Colony. The scheme has, like all projects, detractors and doubters of success. For my own part I am profoundly grateful to those who by their generosity or by persistent effort have enabled me to introduce this Bill during my connection with the Colony.

Turning for a moment to details: It is proposed to take over the College of Medicine and substitute for it a medical faculty supplemented by a chair in Engineering and one in Arts, the latter for those students who do not desire to adopt either a medical or an engineering profession and who may wish to enter the service of their own or any other Government. The main features of the University are: That it is to be residential; that hostels may be established by missionary bodies who, having educated students, shall have the opportunity of supervising their pupils after they have become undergraduates in the University; that it will for some time be closely associated with the London University, whose external examiners will probably set the

papers for the degree examination in some if not in all subjects. It will also be closely associated with the Government of this Colony, many of the leading officials of which will be on its Council. The object of this is to secure continuity of policy and to give the University the advice and assistance of men who have spent a great number of years among the Chinese and are familiar with the local conditions in the Colony, and also to prevent conflict and friction between the University as an independent concern and the Colonial Government.

The Bill incorporates the University, and is based on the charter of the Bristol University, which is the last and I presume the most up-to-date of the younger universities in Great Britain modified to suit local conditions. It has been the subject of prolonged discussion for close upon a year, and there are still some points which are being discussed with the College of Medicine. The introduction of the Bill to day will not prejudice this discussion and any necessary alterations can be introduced when the Bill is in committee. The main provisions and form of the Bill will remain, and I recommend it as a carefully drafted and efficient measure. (Applause.)

The motion was agreed to.

The Criminal Law Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to introduce into the Criminal Law Ordinance of 1865 certain provisions of the Criminal Law Amendment Acts of the United Kingdom of 1861, and for other purposes." In doing so he said—I would just like to state, Sir, that the Chief Justice is engaged, under your Excellency's authority, in a revision of the Ordinances of the Colony, and he deems it desirable to ask the Council to sanction certain measures as antecedent to the revision work which he has undertaken. The Chief Justice has drafted this Bill and the next order of the day, and he has attached his objects and reasons and desires to take, as I think he is entitled to do, full responsibility in the matter. Council will observe as regards the first Bill that there is a clause at the end which provides that it shall not come into operation until the proclamation of his Excellency, which is to be issued after the Council has authorised the revision of the new laws.

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

The objects and reasons state that when the Criminal Law Amendment Ordinances were framed in 1865 the English Consolidation Ordinances of 1861 were copied almost verbatim. But in connection with offences relating to Railways two sets of sections were omitted, because there were no railways in the Colony. These two sets of provisions dealt with practically the same acts—putting wood, stones, etc., on the railway, and other kindred matters, but the criminal intent in the two statutes was different—in the Malicious Damage Act it was damage to the railway, carriages, etc.; in the Offences against the Person Act, it was damage endangering the safety of passengers. The provisions of the former Act were introduced into the Colony by Ordinance No. 10 of 1910; this draft introduces those of the latter Act, and like No. 10 of 1910 it is made applicable to tramways. I think that now that the Edition of the Revised Laws is being prepared serious omissions in the law of the Colony should be remedied; in this case the object is to bring the law of the Colony into line with the English law on which it is based. Provision is made for introducing both the new sections and those of No. 10 of 1910 into their proper position in the Criminal Law Ordinance of 1865 Part II. of No. 10 of 1910, which deals with a different matter, will remain as a substantive enactment.

Penalties Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to abolish minimum penalties and to bring the law of the Colony into uniformity with the law of England, and for other purposes."

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

The objects and reasons state that its intention is to bring the law of the Colony on the subject of punishments into line with the law of England. It accomplishes this, first, by abolishing minimum penalties, and this gives the Judge the power of dealing leniently with cases which deserve to be so treated. The Ordinance also does away with the confusion and redundancy of language which now exist
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clauses of the Criminal Law of the Colony. In the English Acts, from which our laws have been copied, there were alternative penalties provided of penal servitude for a maximum and minimum term (which was usually three years), and imprisonment with or without hard labour for not more than two years. The Criminal Law Ordinance, as originally passed, followed this form of alternative penalty. By Ordinance No. 3 of 1887, penal servitude was abolished, and imprisonment with hard labour substituted for it. In the Ordinances as they appear in the Revised Edition, "imprisonment with hard labour" has been substituted for "penal servitude"; but no further change was made, with the result, as in the "example" given in s. 7, that the alternatives became "imprisonment with hard labour for not more than 14 and not less than 3 years" and "imprisonment with or without hard labour for more than 2 years." This is meaningless, and the Ordinance eliminates the second alternative. It should be noted that the penalty of "imprisonment with or without hard labour" as an alternative to penal servitude has been eliminated in England, but by a different process. The use of "examples" is based on Indian legislation, and due recognition of it will be made in the new "Interpretation Ordinance" now being drafted. A further effective change is made by making the penalty of imprisonment always subject to the discretionary "with or without hard labour" (as it is in fact in the majority of cases) unless any Ordinance expressly provides otherwise. This is made to apply to future enactments, and will make the drafting of Ordinances uniform. The superfluous words "at the discretion of the Court" and "on conviction thereof" are eliminated. The result of these changes so far as mere revision is concerned will be to reduce the bulk of the criminal laws of 1865 by at least one-third. But the more important result will be to let each offence clearly appear, and to condense the penalty clauses as much as possible, leaving them to be governed by the general principles laid down by this Ordinance. The schedule makes corresponding alterations in the other Criminal Ordinances. The changes effected in Part II. are in Ordinances where the penalty is in this form—"Imprisonment with hard labour for three years, or imprisonment with or without hard labour for not more than two years." In these cases the

"three years" "is not an absolute penalty, because there is an alternative, and therefore the alteration is warranted. Solitary confinement is a prison disciplinary measure, and it is unusual for it to be put within the province of the Court to impose it as part of the original sentence; it is therefore proposed to delete the words "with or without solitary confinement" wherever they occur. This has been done with the concurrence of the Police and Prison authorities. The schedule carries the amendments down to the stage at which the Revision manuscript has at present arrived. In due course, as the Revision proceeds, legislation will be introduced adding other Ordinances to the different Parts of the schedule. Three other clauses have been introduced, sections 10, 11 and 12, which deal with old, cumbersome, and out of date expressions, substituting therefor modern formulas. It is not proposed that the Ordinance should come into force until the Council has sanctioned the New Edition as the authoritative version of the Ordinances of the Colony.

Lepers Amendment Ordinance

THE ATTORNEY - GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Lepers Ordinance, 1910. In doing so he said—The Council will remember that last year we passed a Bill providing for the segregation and treatment of lepers. By section 14 of that Ordinance, 24 of 1910, power is given to the Governor-in-Council to banish a leper who is not a naturalised subject of His Majesty. Well, Sir, the Secretary of State considered that the section was open to objection. The banishment of a sick person against his will from British territory to China might in his judgment be open to severe criticism, and he thought the point might be met by prohibiting the entry of lepers into the Colony and making offenders liable to deportation. Section 14 is to be repealed and a new section added prohibiting the entry of alien lepers and making them liable to deportation if they enter the Colony

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

Council then went into committee and considered the Bill clause by clause.

On resuming,

THE ATTORNEY-GENERAL reported that it had passed through committee without amendment, and moved that it be read a third time.

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

Defences (Sketching Prevention) Amendment Ordinance

THE ATTORNEY - GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend The Defences (Sketching Prevention) Ordinance, 1895, and to control balloonists and others who have special opportunities for obtaining information respecting the defences of the Colony." In doing so he said—This Bill, Sir, effects certain amendments in the Defences (Sketching Prevention) Ordinance of 1895 by making the possession of sketches, drawings, photographs, etc., of any battery or fortification illegal unless obtained by permission of the Governor in writing. The Ordinance as it stands at present applies to persons found taking photographs, prints, drawings or plans, but it makes no definite provision for people who may be found in possession of them. Therefore it is proposed to follow the numerous precedents by making possession of such photographs, etc., illegally obtained an offence. It gives power to a magistrate to issue search warrants-to secure any such drawings or prints which may have been illegally obtained. Clause three of the Bill prohibits trespassing on fortifications or any naval or military premises. I may state that our Ordinance No. 1 of 1895 is framed generally in accordance with the law in other eastern colonies. This particular clause three is not in the Ordinances of 1895, although it is in the Ordinances of both Ceylon and the Straits Settlements. It has therefore been deemed desirable to include it in ours so as to bring it into all fours with the Ordinances prevailing elsewhere. In addition to those there is a provision to control balloonists, as stated in the memorandum of the Bill. The development of Aviation since the Principal Ordinance was passed has rendered it necessary to introduce legislation with a view to controlling ascents in balloons and aeroplanes in a fortress such as Hongkong, for without such control the purposes of the

Ordinance would be nullified. Your Excellency has therefore instructed me to make provision in the Bill so as to control the ascents of balloons and aeroplanes.

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

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

On resuming,

THE ATTORNEY-GENERAL reported that it had passed through committee with slight amendments, and moved that it be read a third time.

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

Jurors' List

The Jurors' list for 1911 was submitted, and considered *in camera*.

FINANCE COMMITTEE.

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

Language Study Allowance

The Governor recommended the Council to vote a sum of One hundred and eighty dollars (\$180) in aid of the vote, Colonial Secretary's Department and Legislature, Other Charges, Language Study Allowance (Hakka Dialect, Chinese) to Passed Cadet.

Pier at Castle Peak

The Governor recommended the Council to vote a sum of Two thousand six hundred and sixty-two Dollars (\$2,662) in aid of the vote, Public Works, Extraordinary, Buildings, Pier at Castle Peak Bay.

Transport of Revenue

The Governor recommended the Council to vote a sum of Two hundred Dollars (\$200) in aid of the vote, Judicial and Legal Departments, C. — District Officer, Other Charges. Northern District, Transport of Revenue.

Security Allowance

The Governor recommended the Council to vote a sum of Twenty-seven Dollars (\$27) in aid of the vote, Harbour Master's Department, C. — Imports and Exports Office, Other Charges, Security Allowance to 4th Grade Clerk.

The Governor

The Governor recommended the Council to vote a sum of One thousand five hundred Dollars (\$1,500) in aid of the vote, Governor, Other Charges, Furniture.

Postal Agencies in China

The Governor recommended the Council to vote a sum of Four thousand eight hundred and thirty-one Dollars and seventy-two Cents (\$4,831.72) in aid of the vote Post Office, B. — Postal Agencies in China, for the following items:—

Personal emoluments.....	\$3,904.64	
<i>Other Charges.</i>		
Horse traction for mail carts.....	\$ 50,00	
Incidental expenses.....	233,61	
Light.....	124,87	
Rent.....	95,00	
Rent of extension site.....	39,474	
Transport.....	28.86	
		927.08
Total.....		\$4,831.72

Coronation Contingent Expenses

The Governor recommended the Council to vote a sum of Thirteen thousand one hundred and fifty Dollars (\$13,150) to meet the estimated expenses to be incurred by the Contingent of the Hongkong Volunteer Corps.

Judicial and Legal

The Governor recommended the Council to vote a sum of one hundred and fourteen Dollars and twenty-nine Cents (£10 at 1/9 = \$114.29) in aid of the vote, Judicial and Legal Departments, D.—Law Officers, Other Charges, Attorney-General's Office, Rent of Telephone Exchange.

Fees in Capital Cases

The Governor recommended the Council to vote a sum of four hundred Dollars (\$400) in aid of the vote, Judicial and Legal Departments, A. — Supreme Court, Other Charges, Fees to Counsel and Solicitors for Prisoners in capital cases.

Administration of Justice

The Governor recommended the Council to vote a sum of one thousand five hundred Dollars (\$1,500) in aid of the vote, Judicial and Legal Departments, A.—Supreme Court, Other Charges, Administration of Justice.

Volunteers

The Governor recommended the Council to vote a sum of Seven hundred and thirty-seven Dollars and fourteen Cents (\$737.14) in aid of the vote, Military Expenditure, B. — Volunteers, Other Charges, Ammunition.

Royal Visit Preparatory Expenses

The Governor recommended the Council to vote a sum of Two hundred and fifty-five Dollars and seventy-seven Cents (\$255.77) for expenses incurred in connection with arrangements for the reception of H. I. and R. H. the Crown Prince of Germany.

Transport of Government Servants

The Governor recommended the Council to vote a sum of Twelve thousand eight hundred Dollars (\$12,800) in aid of the vote, Miscellaneous Services, Transport of Government Servants.