

20TH JULY, 1911.

PRESENT:—

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

HON. MR. W. D. BARNES (Colonial
Secretary).

HON. MR. C. G. ALABASTER (Attorney-
General).

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

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

HON. MR. A. W. BREWIN, C.M.G.
(Registrar-General).

HON. CAPTAIN F. W. LYONS (Captain-
Superintendent of Police).

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

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

HON. MR. E. A. HEWETT.

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

HON. MR. C. H. ROSS.

MR. C. CLEMENTI (Clerk of Councils).

Minutes

The minutes of the previous meeting were
read and approved.

Financial Minutes

THE COLONIAL SECRETARY, by
command of His Excellency the Governor,
laid on the table Financial Minutes (Nos. 42
and 43), 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. 10), and moved its adoption.

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

Law Committee Reports

THE ATTORNEY-GENERAL, by
command of His Excellency the Governor,
laid on the table the reports of the Law
Committee on the Penalties Bill and the
Interpretation Bill.

Paper

THE COLONIAL SECRETARY, by
command of His Excellency the Governor,
laid on the table the Report of the Registrar-
General for the year 1910.

Post Office Amendment Ordinance

THE ATTORNEY - GENERAL moved the
first reading of a Bill entitled, "An Ordinance
to amend the Post Office Ordinance, 1900."

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

The Objects and Reasons attached to the
Bill are:

The new sub-section (2) of section 6 of the
Principal Ordinance differs from the sub-
section it replaces by the addition of the
words "from all persons who arrive in the
Colony with letters, of," by the substitution of
the words "intended to be despatched" for the
word "transmitted," and by the addition of the
words "from out of the Colony." These
amendments were rendered necessary as it
was found that the original wording was not
sufficient to enable the authorities to deal
with attempts to encroach on the exclusive
privileges of the Postmaster-General. Section
3 of the Bill is based on section 49 of the
Singapore Ordinance No. 5 of 1904, and is
introduced for the purpose of giving
legislative sanction to a new arrangement.
Section 4 is based on section 16 of the
Imperial Post Office Act, 1908, and on
section 31 of the Singapore Ordinance. The
importation of lottery tickets is already
prohibited by regulations. Section 5 is based
on section 9 of the Imperial Act and section
2 5 o f t h e

Singapore Ordinance, section 6 on 18 of the Imperial Acts and section 36 of the Singapore Ordinance, section 7 on section 10 of the Imperial Act, section 8 on section 64 of the Imperial Act, section 9 on section 61 of the Imperial Act, section 10 on section 63 of the Imperial Act, with additions to cover the cases of gum, dyes and other injurious substances, and section 11 on section 67 of the Imperial Act.

Crown Solicitor's Ordinance

THE ATTORNEY - GENERAL moved the first reading of a Bill entitled, "An Ordinance to make provision for the appointment of and to define the powers of the Crown Solicitor and Assistant Crown Solicitor."

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

The Objects and Reasons attached to the Bill stated:—The Bill is necessary owing to the appointment as Crown Solicitor of Mr. Kemp, who will be an English barrister by the time he arrives in the Colony, and of the decision of the Government to appoint one or more persons, not necessarily legally qualified persons, as Assistant Crown Solicitors. Section 4 is analogous to section 2 of the Crown Counsel's Fees Ordinance, 1903, which deals with the Attorney-General's costs.

Crown Lands Resumption Amendment Ordinance

THE ATTORNEY - GENERAL moved the first reading of a Bill entitled, "An Ordinance to further amend the Crown Lands Resumption Ordinance, 1900."

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

Prison Amendment Ordinance

THE ATTORNEY - GENERAL moved the first reading of a Bill entitled, "An Ordinance to further amend the Prison Ordinance, 1899." In doing so he said—This Bill has been attached to the orders of the day, but was not circulated with the other orders of the day. However, I submit it is a matter of sufficient urgency to be brought on without

notice.

THE COLONIAL SECRETARY seconded.

HIS EXCELLENCY—I ask members to indicate whether they are in favour of the motion, as a two-thirds majority is required.

After a show of hands His Excellency declared the motion carried.

Probates Amendment Ordinance

THE COLONIAL TREASURER moved the second reading of the Bill entitled, "An Ordinance to Amend the Probates Amendment Ordinance, 1897." In doing so he said—The provisions of this Bill are fully explained in the objects and reasons attached to the Bill, to which I do not propose to say anything in addition.

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

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

On clause 2,

THE ATTORNEY-GENERAL—I beg to move that in sub-section (a) of section 2 the words—"after the word 'estate' of the words 'or property' and" — be inserted between the words "addition" and "after"; that in sub-section (b) the words from "to any" to "person" inclusive be deleted and that the following be substituted therefor: "in their own right to property passing on the death of any person"; and that in sub-section (c) the word "of" be inserted between the words "or" and "Japan". I would also suggest that this Bill be left in Committee because this with the Stamp Bill effects changes in the Stamp Law, and it can be passed on the same day as the Stamp Bill.

HIS EXCELLENCY—The Bill will be left in Committee.

Stamp Amendment Ordinance

THE COLONIAL TREASURER moved the second reading of the Bill entitled, "An Ordinance to further amend the Stamp Ordinance, 1901, and the law relating to

Stamps and Stamp Duty. In doing so he said—The reason for the introduction of this Bill at this time, Sir, is the contemplated revision of the Ordinances of the Colony. In going through the old Ordinances in connection with this subject I discovered a number of defects in addition to several which I noted from time to time during the past few years. This Bill cures these defects and at the same time makes some fuller explanation of the existing law. There is nothing new in the principle of the Bill that has not been in force here or in England.

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

Stamps Duties Management Ordinance

THE COLONIAL TREASURER moved the second reading of the Bill entitled, "An Ordinance to consolidate and amend the Law relating to the Management of Stamp Duties." In doing so he said—The reason for the introduction of this Bill is somewhat similar to the last one. Advantage was taken of the opportunity to separate the law relating to Stamps from that relating to the Revenue, collected thereby, as the former is a general law and the latter a particular one, but this matter is not yet settled.

As regards the details, I shall be glad to explain them when the committee stage is reached, and in the meantime I would point out that there is nothing in this law which is not in force in England, and that most of it has been the practice in the Colony.

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

Private Vehicles Amendment Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Private Vehicles Licensing Ordinance, 1895." In doing so he said—There is nothing in this Bill that is not already law, but the editor who is revising the Ordinance of the Colony has within the powers conferred upon him decided to recast that Ordinance, and as he has recast it to a considerable extent it has been though more advisable to amend the Bill by special Ordinance than that those amendments should

go into the schedule of one of the general Law Revision Bills which I hope to introduce later in the year.

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 the Bill 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.

Supplementary Estimates

THE COLONIAL SECRETARY moved the second reading of the Bill entitled, "An Ordinance to authorize the Appropriation of a Supplementary Sum of Four hundred and thirty - eight thousand nine hundred and nine dollars and ninety-three cents, to defray the Charges of the Year 1910." In doing so he said—The reasons which have moved the Government to frame this Bill, Sir, were so fully set out to the Council at the last meeting by your Excellency that I do not think it is necessary for me to add anything further.

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

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

HON. MR. HEWETT—Your Excellency, there is one point about which I would like to ask you, that is the question of the increase in the Post Office. There is a difference of nearly \$34,000 in crease in the mails *via* Siberia. It is a question that has been before the Council before, but I think the time has now arrived when it ought to be considered by the Government as to whether increased postage should not be charged *via* Siberia, because there is a steadily increasing amount of postage sent that way and we cannot afford to send it at penny postage. People using that route ought to pay more for it, for this means a dead loss to the ratepayers of Hongkong.

HIS EXCELLENCY—Do you contend that Ordinary mails should not be despatched *viâ* Siberia?

HON. MR. HEWETT — No, I think people who make use of the quicker route ought to pay for it. I do not think it is fair that the ratepayers should pay for it.

HIS EXCELLENCY — That point has been represented by me to the Secretary of State, who replied that to charge the higher rate was against the whole policy of the British Post Office and could not be assented to.

HON. MR. HEWETT—So I understand.

HIS EXCELLENCY—The policy of the Imperial Post Office is to reduce postal rates by every possible route and to charge a higher rate for the Siberian route would be contrary to Imperial policy.

HON. MR. HEWETT — With all due deference to the Secretary of State, I think that his decision is wrong, and that the matter ought to be represented to him again.

HIS EXCELLENCY—I think the Imperial Government is itself a far heavier loser, as it has now taken over the postal agencies in China, and will have to bear the charges *viâ* Siberia on these for which Hongkong will no longer be responsible.

HON. MR. HEWETT—So I understand.

HON. DR. HO KAI—The loss represents the number of letters sent by Hongkong people *viâ* Siberia, not from the outports. The loss mentioned by the hon. member really means that the ratepayers here have to pay for a certain number of the inhabitants of the Colony who prefer to send their letters to England by the Siberia post. Really it is not a loss at all. We are not bearing anybody else's burden. We are bearing the burden of our own community.

HIS EXCELLENCY—Quite so, and I think the hon. member will find that in next year's accounts this sum will in all probability be greatly reduced because it partly represents

expenditure on account of the postal agencies which Hongkong no longer bears. I think, Mr. Treasurer, I am justified in that anticipation?

THE COLONIAL TREASURER — I think so, Sir.

On Council resuming,

THE COLONIAL SECRETARY reported that the Bill had been considered clause by clause and that no material alteration had been made therein. He moved that it be read a third time.

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

Penalties Ordinance

THE ATTORNEY - GENERAL moved that the Council go into Committee again to consider the reports of the Standing Law Committee on the Bill entitled, "An Ordinance to abolish Minimum Penalties, and to bring the Law of the Colony as to Penalties into uniformity with the Law of England, and for other purposes," and also on the Bill entitled, "An Ordinance to amend and codify the law as to Common Forms and as to the Interpretation of Terms used in Ordinances."

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

THE ATTORNEY - GENERAL — The Law Committee suggested that the Penalties Bill should be passed in form A as it stands at the end of their report, but since that report has been issued I have suggested that certain additions and alterations be made. The amendments which I wish to move, Sir, are to Part V. of the Schedule:—That the following be inserted between the first and second paragraphs of the amendments to Ordinance No. 4 of 1897:—"In section 13, as amended by Ordinance No. 11 of 1904, for the words 'or to imprisonment' three time there shall be read 'and to imprisonment', and the words from 'Provided always to 'think fit' are repealed". That the following be inserted after the amendments to Ordinance No. 10 of 1899:—"Ordinance No. 7 of 1903 (as amended by Ordinance No. 42 of 1909), in section 5, for the words 'or to a

fine' there shall be read 'and to a fine', and the words 'or both' are repealed". That in the amendments to Ordinance No. 15 of 1907 the words and figure "in section 2," be inserted between the figures "1907," and the word "for". That the following be inserted at the end of the Schedule:—"Ordinance No. 21 of 1909, in sections 42, 58 and 59, for the words 'or to' there shall be read 'and to,' and the words 'or to both' are repealed".

HIS EXCELLENCY read the amendments, which were then approved.

THE COLONIAL SECRETARY—I will move that the Bill as printed on pages 2, 3, 4, 5, 6, 7 of this report and as further amended by the Hon. Attorney-General take the place of the Bill now before the Council.

THE ATTORNEY-GENERAL seconded

HIS EXCELLENCY—I would point out to the Council that the reason this procedure has been adopted is because the form of the report from the Standing Law Committee is that the Bill be passed in the form in which it appears marked in document 4. It is practically impossible to put that report to the Council for adoption, and the Hon. Colonial Secretary has substituted for it the motion now before the Council.

THE DIRECTOR OF PUBLIC WORKS—There seems to be a misprint at the end of Ordinance 10 of 1909, where it says "re repeal."

THE ATTORNEY-GENERAL — It is a misprint. It means "the repeal."

HIS EXCELLENCY—The question now before the Committee is that the draft marked A attached to the Standing Law Committee's report No. 2 shall be substituted for the draft Bill which was laid before the Council at our last meeting as amended by the Hon. Attorney-General.

The motion was agreed to.

The Interpretation Ordinance

THE ATTORNEY - GENERAL moved that the Committee stage be resumed on the Bill entitled, "An Ordinance to amend and codify the law as to Common Forms and as to the Interpretation of Terms used in Ordinances."

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

THE ATTORNEY - GENERAL moved the following amendments:—In the definition of "The Colony" under section 39B that the word "Island" be substituted for the word "Colony" in the second line thereof and that the words "and Kowloon" be inserted after the word "Hongkong" in the same line. That the following definitions be inserted after the definition of "Emigration Officer": — "Medical Officer of Health" and "Assistant Medical Officer of Health" means the persons appointed respectively to act as such officers under Ordinance No. 1 of 1903. "Government Analyst" includes any analyst appointed by the Governor under Ordinance No. 8 of 1893. That the following definitions be inserted after the definition of "The Gaol": — "Superintendent of the Gaol" includes the Assistant Superintendent of the Gaol. This definition shall apply to all warrants of committal, or other documents whether issued, made, sealed or signed before or after the commencement of this Ordinance. That the following be added at the end of sub-section (2) of section 47:—"Ordinance No. 15 of 1903, so much of section 5 as relates to obstructing and hindering officers." Ordinance No. 23 of 1909, section 86. That the words "and Excise Officers" be added at the end of sub-section (6) of section 48. That the words and figures "Ordinance No. 18 of 1909" be inserted between the third and fourth lines of section 50.

The motion was agreed to.

Council then resumed.

THE COLONIAL SECRETARY — I move that the Bill attached, with report No. 3 of the Standing Law Committee, and marked "A" in the report, as amended by the Attorney-General just now, do take the place of the Bill now before the Committee, I may add that it is proposed to gazette both these Bills for public information before further action is taken.

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

HIS EXCELLENCY—Council will adjourn until this day fortnight.

FINANCE COMMITTEE.

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

Miscellaneous Service

The Governor recommended the Council to vote a sum of Three thousand dollars (\$3,000) in aid of the vote Miscellaneous Services, Steam Launch.

THE CHAIRMAN—The Canton-Kowloon Railway has two launches. One of them was sold and the proceeds of the sale credited to the Railway vote. For the other no advantageous offer has been received and it is proposed to take her over for the present for Colonial use for \$3,000. She will be used to take the place of other launches which are undergoing repairs and will save the expense of hiring a launch when any of the launches are undergoing repair. The question of her

disposal will be reconsidered later if any good offer is made for her. Does the Committee agree?

The vote was passed.

Wuchang Loan

The Governor recommended the Council to vote a sum of twenty-one thousand two hundred and eighty-two dollars and forty-six cents (\$21,282.46) in aid of the vote "Charge on account of public debt, sinking fund on per cent. inscribed stock (Wuchang Loan at 1 per cent., £1,143,933)."

THE CHAIRMAN — The estimates as framed only provided for the payment to this sinking fund for six months. It was overlooked that payment would be required for eight months during this year, and this financial minute is to make good that oversight.