

# HONGKONG LEGISLATIVE COUNCIL.

27TH FEBRUARY, 1912.

## PRESENT:—

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

HON. MR. C. SEVERN (Colonial Secretary).

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

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

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

HON. MR. E. R. HALLIFAX (Registrar-  
General).

HON. CAPTAIN 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. H. E. POLLICK, K.C.

HON. MR. E. A. HEWETT, C.M.G.

HON. MR. C. H. ROSS.

HON. MR. E. OSBORNE.

MR. C. CLEMENTI (Clerk of Councils).

## Minutes

The minutes of the previous meeting were  
read and approved.

## New Member

THE HON. MR. C. SEVERN took the oath of  
allegiance and assumed his seat as a member of  
Council.

## Financial Minutes

THE COLONIAL SECRETARY, by  
command of His Excellency the Governor, laid  
on the table Financial Minutes Nos. 1 to 12, and  
moved that they be referred to the Finance  
Committee.

THE COLONIAL TREASURER seconded,

and the motion was agreed to.

## Bye-Laws

THE COLONIAL SECRETARY moved that  
the Council approve of the Amendment of the  
Cemeteries Bye-laws.

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

## Jurors' List

THE COLONIAL SECRETARY, by  
command of H.E. the Governor, laid on the  
table the Jurors' List for 1912.

## Public Works Committee

THE DIRECTOR OF PUBLIC WORKS laid  
on the table the report of the Public Works  
Committee No. 1. In doing so he said—With  
reference to the reply given to the question  
asked in this Council on the 24th August last  
regarding the Kowloon Market I now beg to lay  
upon the table a report containing the result of  
the investigations by the Public Works  
Committee into the matter. The report also  
contains recommendations with regard to the  
Jubilee fountains which have formed the subject  
of questions in this Council.

## Standing Orders

THE COLONIAL SECRETARY, by  
command of H.E. the Governor, laid upon the  
table Draft Standing Rules and Orders of the  
Legislative Council of Hongkong.

HIS EXCELLENCY—The new Standing  
Rules and Orders of the Legislative Council,  
which are now laid on the table, are the result of  
prolonged consideration since the beginning of  
last summer and of a very complete  
investigation of the Standing Orders which  
some little time before had been revised and  
altered in the Straits Settlements. I had the  
advantage of discussing them with the

late Mr. Barnes. The present Standing Orders of our Council are very antiquated and many Rules are obscure. In some cases the subjects are confused under different headings. The present draft Orders have been referred to the Secretary of State and have been approved by him. The Hon. Colonial Secretary has laid them upon the table so that all members of the Council may have an opportunity of examining them before a resolution is introduced in the Council for their adoption.

### **The Governor's Impending Departure**

HIS EXCELLENCY—Before we proceed to the business of the day, I would ask permission of the Council to make a somewhat personal statement. Since we last met I have received from the Secretary of State a telegram informing me that His Majesty has been pleased to appoint me to amalgamate the Governments of Northern and Southern Nigeria. I shall therefore be leaving this Colony on the 16th March, and I shall, with the greatest and deepest regret, have to take leave of this Council at our next meeting on the 7th March. His Majesty has been pleased to appoint Sir Henry May to succeed me in Hongkong, and I am glad to congratulate the majority of the unofficial members who represent the community in this Council on the fulfilment of the wishes which they had expressed to me on the matter.

### **Law Revision Ordinance, 1912**

THE ATTORNEY - GENERAL moved the first reading of a Bill entitled "An Ordinance to amend the Law Revision Ordinance, 1911."

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

### **Law Amendment Ordinance, 1912**

THE ATTORNEY - GENERAL moved the first reading of a Bill entitled "An Ordinance to amend the Law Amendment Ordinance 1911."

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

### **Births and Deaths Registration Amendment Ordinance, 1912**

THE ATTORNEY - GENERAL moved the

first reading of a Bill entitled "An Ordinance to amend the Law relating to the Registration of Births and Deaths."

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

The Objects and Reasons attached to the Bill are:—It is hoped, by making the clerks at public dispensaries, where babies are taken to be vaccinated, district registrars as well as the police officers in charge of the police stations, which are district register offices, that more Chinese will register the births of their children than is the case at present owing to the natural aversion which many Chinese women have to attending at police stations for any purpose whatever.

### **Gambling Amendment Ordinance, 1912**

THE ATTORNEY - GENERAL moved the first reading of a Bill entitled "An Ordinance to amend the Gambling Ordinance, 1891."

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

The Objects and Reasons are:—This Bill amends the Principal Ordinance by increasing the penalty on selling lottery tickets from twenty-five to a thousand dollars and by making possession with a view to sale (with the burden of proof on the defendant) an offence.

### **Holidays Ordinance, 1912**

THE ATTORNEY - GENERAL moved the first reading of a Bill entitled "An Ordinance to make provision for the due observance of General, Public and Bank Holidays and to amend and consolidate the law relating to the same."

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

The Objects and Reasons attached to the Bill are:—Under Ordinance No. 2 of 1875 all public holidays are bank holidays and there are also certain days which are bank holidays only. It is sometimes desirable to have a holiday for public

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educational institutions which is nevertheless not a bank holiday, and again it is sometimes desirable to have a holiday for educational establishments which is not a holiday for banks or public institutions. Moreover, section 7 of Ordinance No. 2 of 1875 appears in some measure to conflict with section 14 (1) (a) of Ordinance No. 3 of 1885. It has recently been decided with the approval of the Chamber of Commerce, which consulted the Banks, no longer to treat Victoria Day, or Empire Day as it will in future be called, as a Bank Holiday, and to have instead two new holidays on Mondays in October and November, respectively. This arrangement distributes the bank holidays more evenly throughout the year and provides for the due recognition of the Birthday (November the 9th) of his late Majesty King Edward VII. At the same time Empire Day will be preserved as a holiday for public and educational institutions. Clause 2 of the Bill gives a definition of Public Holidays which excludes and includes Bank Holidays. Clauses 3 and 4 set out these holidays, and Clause 7, which is based on section 8 of Ordinance No. 2 of 1875, enables the Governor-in-Council to alter them by notification in the *Gazette*. Clause 5, which is based on section 3 of the last mentioned Ordinance, enables the Governor by Regulations to exclude public officers or Government departments from enjoying all or any such holidays. Clause 6 is based on section 5, 6 and 7 of the said Ordinance and avoids the apparent conflict with section 14 of the Bills of Exchange Ordinance. Clause 8 effects the necessary repeals and modifications in other Ordinances.

### **Deportation Ordinance, 1912**

THE ATTORNEY - GENERAL moved the first reading of a Bill entitled "An Ordinance to provide for the deportation of undesirable aliens and certain other persons."

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

The Objects and Reasons attached to the Bill are:—

Clause 3 of the Bill is new and is intended to enable any person whose banishment is under consideration to state his own case against banishment and will enable the Governor-in-Council to check the charges and pursue his

enquiries with greater certainty of giving a just decision than seems possible under the existing law. The fact that the person questioned is under lawful arrest and in the House of Detention and that no caution is administered will, it is thought, safeguard his interests by preventing the use against him of his answers in other proceedings (*R. v. Gavin* 15 Cox 336, *R. v. Male* 17 Cox 689; *R. v. Histed* 19 Cox 16; *R. v. Best* 1909, 1 K.B. 692); but to remove all doubts on the point a sub-section to that effect is added to clause 12.

Clause 4 is based on section 4 (1) or Ordinance No. 1 of 1882, the first two sub-sections of Clause 5 are based on section 13 of Ordinance No. 10 of 1886 and the last sub-section of that clause carries out the evident intention of Article III. of the China and Corea (Amendment) Order in Council 1910. Although as a general rule natural born British subjects are outside the scope of any banishment Ordinance, it is manifestly unjust that when prisoners have been convicted by the consular courts of crimes committed in China and have been sent as a matter of convenience to serve their terms of imprisonment in the Gaol of the Colony, that this Colony should be unable to get rid of them again on their release.

Clause 6 is based on section 4 (1) and (2) of Ordinance No. 1 of 1882, Clause 7 on section 4 (3), Clause 8 on section 5, Clause 9 on section 8 and Clause 10 on section 10 thereof. The increase in the amount of the sentence has been sanctioned by H.M. Secretary of State in a despatch dated the 30th June, 1911. The provisions of Clause 11 and 12 providing for the automatic banishment of Straits deportees have been likewise sanctioned. It will have been noticed that certain sections of Ordinance No. 1 of 1882 have not been re-enacted, although by Clause 13 the whole of that Ordinance is repealed. The reason is that section 3 is seldom acted on and is deemed unnecessary, and that sections 6, 7 and 9 cannot be re-enacted, as they are contrary to the express proviso to Article XIV. of the Letters Patent of the 19th January, 1888, which prevents the Governor (except where the offence has been of a political nature unaccompanied by any other grave crime), from making it a condition of any pardon or remission that the offender shall be banished. The remaining enactments repealed by Clause 13 are now rendered unnecessary as the powers

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by this consolidating Bill cover the cases they were designed to meet.

#### **Magistrates Amendment Ordinance, 1912**

THE ATTORNEY - GENERAL moved the first reading of a Bill entitled "An Ordinance to amend the Magistrates Ordinance, 1890-1910."

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

Objects and Reasons attached to the Bill are:—This Bill brings into force in the Colony some of the provisions of section 19 of the Reformatory and Industrial Schools Ordinance, 1890, of the Straits Settlements. The proviso preserves the effect of the present sub-section (1) of section 86 of the Magistrates Ordinances, 1890-1910.

#### **Dangerous Goods Amendment Ordinance, 1912**

THE ATTORNEY - GENERAL moved the first reading of a Bill entitled "An Ordinance to amend the law relating to Dangerous Goods."

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

The Objects and Reasons attached to the Bill are:—It has been considered desirable to make imprisonment part of the penalty for offences against section 10 (5) of the Dangerous Goods Ordinance. The only words in the new sub-section which are new are "addition thereto such person shall be liable on summary conviction to imprisonment for any period not exceeding six months' and in further."

#### **Arms and Ammunition Amendment Ordinance, 1912**

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

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

The Objects and Reasons attached to the Bill are:—It has been deemed desirable in the case

of offences against the principles Ordinance that the power of the Magistrates to imprison should not be confined to cases where the offender is unable to pay a fine.

#### **Liquors Amendment Ordinance, 1912**

THE ATTORNEY - GENERAL moved the first reading of a Bill entitled "An Ordinance to amend the Liquors Consolidation Ordinance, 1911.

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

The Objects and Reasons attached to the Bill are:—This Bill is introduced in order that licensed warehouses may be classified, as certain classes of such warehouses can stand a higher licence fee than others. At present they may roughly be said to fall into four classes, warehouses for European wines, those for Chinese wines, those for bean curd shops and those for the shops which keep spirits of wine with which to make tinctures and scents.

#### **Jury List**

The Council then went into Committee to consider the Jury List *in camera*.

#### **FINANCE COMMITTEE.**

A meeting of the Finance Committee was held afterwards, the COLONIAL SECRETARY presiding. The following votes were passed:—

#### **Hongkong University**

THE GOVERNOR recommended the Council to vote a sum of Five thousand Dollars (\$5,000) in aid of the vote Miscellaneous Services, Grants in aid of other Institutions, University of Hongkong, Government Professorship.

#### **Assistant Medical Officer**

THE GOVERNOR recommended the Council to vote a sum of One thousand three hundred and eighty Dollars (\$1,380) in aid of the vote Medical Departments, Personal Emoluments, A.—Staff, Assistant to the Medical Officer for Kowloon.

**Law Courts**

THE GOVERNOR recommended the Council to vote a sum of Four hundred and twenty-five Dollars (\$425) in aid of the vote Judicial and Legal Departments, Special Expenditure, *D.*—Law Officers, New Furniture.

**Tsim Sha Tsui Market**

THE GOVERNOR recommended the Council to vote a sum of Two hundred and eighteen Dollars (\$218) in aid of the vote Sanitary Department, Other Charges, Sanitary Staff, Light, Tsim Sha Tsui Market.

**Educational**

THE GOVERNOR recommended the Council to vote a sum of Seventy-two Dollars (\$72) in aid of the vote Education, *A.*—Department of Director of Education, Other Charges, Praya East English School, Rent.

**Police Station Repairs**

THE GOVERNOR recommended the Council to vote a sum of Three thousand four hundred Dollars (\$3,400) in aid of the vote Public Works, Extraordinary, Buildings, Retaining Wall in front of the Tai O Police Station.

**Medical Vote**

THE GOVERNOR recommended the Council to vote a sum of Sixty-six Dollars (\$66) in aid of the vote Medical Departments, *B.*—Hospitals and Asylums, Other Charges, Civil Hospital, Analytical Apparatus, etc.

**Sanitary Vote**

THE GOVERNOR recommended the Council to vote a sum of Fifty-four Dollars (\$54) in aid of the vote Medical Departments, *B.*—Charges, Sanitary Staff, Rent of Quarters for Scavenging Coolies.

**Harbour Master's Department**

THE GOVERNOR recommended the Council to vote a sum of Two thousand five hundred Dollars (\$2,500) in aid of the vote Harbour Master's Department, *C.* — Steam-Launches, Other Charges, Repairs.

**Public Works**

THE GOVERNOR recommended the Council to vote a sum of Six hundred and seventy Dollars (\$670) in aid of the vote Public Works, Extraordinary, Communications, Hongkong Roads and Streets, Path from Kennedy Road to Boundary Path.

**Supreme Court Furniture**

THE GOVERNOR recommended the Council to vote a sum of Two thousand Dollars (\$2,000) in aid of the vote Judicial and Legal Departments, Special Expenditure, *A.* — Supreme Court, Furniture.

**Buildings in New Territories**

THE GOVERNOR recommended the Council to vote a sum of Four thousand Dollars (\$4,000) in aid of the vote Public Works, Recurrent, Buildings, Maintenance of Buildings in New Territories.