

7<sup>TH</sup> MARCH, 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. CAPT. 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. POLLOCK, K.C.

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

HON. MR. C. H. ROSS.

HON. MR. E. OSBORNE.

MR. C. CLEMENTI (Clerk of Council).

**Minutes**

The minutes of the previous meeting were  
read and approved.

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.

**Financial Minute  
The Care of the Insane**

THE COLONIAL SECRETARY, by  
command of His Excellency the Governor, laid  
on the table Financial Minute No. 13, and  
moved that it be referred to the Finance  
Committee.

THE COLONIAL TREASURER seconded.

HIS EXCELLENCY—This financial minute,  
gentlemen, refers to the question of the lunatic  
asylum which was raised in the debate on the  
Estimates when I informed the hon. member  
who represents the Chamber of Commerce (Mr.  
Hewett) that I was making a close personal  
investigation into the condition of that  
institution. I recently asked the unofficial  
members of the Council if they would  
accompany me on a personal inspection of this  
place of Detention, for it is not a "lunatic  
asylum." Several members were good enough to  
come and we went over the several wards.  
Various suggestions were made which are  
practically all being carried out at the present  
time.

Owing to the disturbances in Kwangtung  
there has been considerable congestion of  
Chinese lunatics in the Colony for some time  
past, as the asylum in Canton which is managed  
by Dr. Seldon has been unable to receive them. I  
am glad to say that quite recently we have  
arranged informally with the police at Canton to  
take again Chinese lunatics as previously and  
make proper remuneration to Dr. Seldon for  
their maintenance. At the same time I agreed  
that this Colony should pay a reasonable fee for  
those who are British subjects or those who  
have been long resident in the Colony. This  
arrangement will dispose of the congestion in  
the Chinese ward.

With regard to non-Chinese lunatics I have  
called for a report on each particular case in the  
Detention wards and I have gone personally into  
each one. We are repatriating all who can be  
repatriated, with the exception of two whose  
relatives did not want them to be taken out of  
the Colony. In the case of some others the  
country to which they belong has declined to  
receive them or to recognise their nationality. In  
these cases I have proposed that we should  
repatriate them at our own cost and pay a  
reasonable fee for their maintenance. It will be  
cheaper and more humane to dispose of them in  
this way than to keep them here. That also was  
the view of the unofficial members who  
accompanied me the other day. On purely  
business and material lines, this course seems  
advisable, but the unofficial

members who accompanied me, and with whom I agreed, considered that we should view it on the ground of humanity.

We have not got a lunatic asylum: We merely have a place of detention. It is right that we should send these unfortunate people to a proper curative asylum instead of keeping them here for years and years. The Financial Minute is required in order to establish a small fund for the purpose of repatriating those for whose maintenance we shall have to pay. I hope that the steps which have now been taken will result in disposing of almost all the existing patients, and that more care will be taken in future to prevent this Colony becoming the dumping ground for lunatics in the Far East. The lunatics properly belonging to this Colony are few in number and there is no necessity to establish a large and costly asylum for them.

HON. MR. HEWETT—Am I in order to say a word on behalf of the unofficial members?

HIS EXCELLENCY—Certainly, there is a motion before the Council.

HON. MR. HEWETT—On behalf of the unofficial members, some of whom visited the asylum two months ago, I can only say that the proposals put forward by your Excellency for dealing with these unfortunate people who have become insane in this Colony meet with our entire support. They are the most humane and most reasonable from a financial point of view in the interests of the Colony as well as in the interests of the unfortunate people with whom we have to deal.

The motion was agreed to.

### **The Proposed Public-House Trust**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the following papers: The Report by a Committee to consider the feasibility of forming a Public House Trust and the preliminary steps necessary in that event; the Jurors' List for 1912; Report of Expenditure to the 31st December, 1911, on the new Typhoon Refuge. In doing so he said—I regret there is no diagram supplied with this report as there was on the previous occasion, but I hope it will be ready by next

meeting of Council.

HIS EXCELLENCY—I will ask permission of the Council to say a word or two, with regard to the papers laid upon the table, more especially concerning the subject of sessional paper No. 3. It contains a report of the committee appointed by me to investigate the possibility of establishing a public house trust in this Colony. The paper is really in the nature of a *ballon d'essai*. It is intended to frame a policy with regard to the retail sale of liquor in public-houses and bars in this Colony. It is not our intention to introduce any legislation in the immediate future, but rather to frame a policy which shall be introduced perhaps some five or six years hence. The only reason for bringing it forward at the present time is in order that we may give due notice and thereby reduce any claims for compensation which may arise from the inauguration of such policy and on the other hand to avoid creating new liabilities. Later on, when the members of this Council and the community have had time to study these proposals, it will be feasible to introduce resolutions in this Council to give effect to general policy. The papers are laid on the table with a view to giving plenty of opportunity for everyone to study the proposals.

I consider, gentlemen, that this subject is of really vast importance, because it affects our national credit. I read the police reports every day and constantly, almost daily, I see cases of British sailors and others being robbed when they are in a state of drunkenness. Yesterday I saw a case of a man being robbed of everything, including his boots, when lying dead drunk in a side street in this Colony. The object of this scheme is to improve the class of liquor sold in public houses and also to afford some counter-attraction which shall supersede the taste for drink. No doubt the scheme as outlined will be improved after consideration, but I do trust that this Council will eventually accept the general principle which is involved for the sake of the British name in a Colony in which the vast majority of the inhabitants are of eastern race.

Our thanks are due to the committee whose names are signed at the foot of the report, for they have had to handle a thorny and difficult question. This subject has been under my consideration for the past two or three years.

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has not therefore been produced in a hurry and without mature deliberation.

As I am so shortly leaving the Colony, I will ask your permission to say a word or two on some other matters upon which I have given pledges to this Council. The spokesman of the unofficial members speaking in the debate on the Estimates asked for a commission to be appointed to inquire into certain matters in connection with the Public Works Department. I replied that I had already been investigating that matter, both as regards the adequacy of the staff and the method of entering into contracts and in some other aspects. Each of these branches is a very big one in itself. I regret that the results of any enquiries are not ready for communication to Council at this time, but I have no doubt that the investigation will proceed on the lines on which I have been conducting it. I had hoped there would be a report on the question of the Law Courts and the Government offices, giving an outline of their history from the date of their inception, with details of alterations and any other ground which had led to an increase in cost, but unfortunately it was not ready for today. I hope it will be ready by next meeting of the Council. I much regret I shall not be able to finish this investigation, for it is a subject of the very greatest interest, especially the question of the method of entering into contracts.

#### Wireless Telegraphy

Another subject alluded to in the "Budget debate" was that of wireless telegraphy. I am glad to be able to report that some progress has been made. We have probably decided on the site which the Imperial station will occupy, and we have in view a site which will be convenient for the commercial station. The delay which has occurred in this matter is in no way due to the local Government, for as you all recognise the question of wireless telegraphy is one in which Imperial interests are so involved that it is impossible to proceed with any degree of rapidity or to act entirely upon our own initiative. We have already received one estimate of the cost of a Commercial Station and we hope before long to receive some other estimates. It remains now to ascertain from the Imperial Government whether they will agree to our proposals and see how far the Revenue of the Colony is able to meet the cost of inaugurating a commercial station.

#### Appeal Court

There is one final matter to refer to, and for that I shall have to carry your memory back to the speech I made in 1908 when introducing the estimates. I said it was the intention of the Government to set up an Appeal Court on a new basis in this Colony. The delay in that matter is also one which is not due to the dilatoriness of the Government, for I recognise the great importance of the question, but the causes were beyond our control. I am glad to be able to inform the Council that finality is now in sight and I hope that before the end of the year we shall have an Appeal Court which will recommend itself to all members of this Council.

#### Standing Rules

THE COLONIAL SECRETARY—Before I move the resolution standing in my name I would like to remind again the Council that the revised Standing Rules and Orders have been very carefully considered by your Excellency and the late Mr. Barnes and have received the approval of the Secretary of State. They have also been circulated to members of the Council. I think it may be desirable before putting the resolution that the Council might have an opportunity of considering the draft. I move that the Council resolve itself into committee to consider the Standing Rules and Orders *seriatim*.

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

On clause 2,

HON. MR. POLLOCK—I have an amendment to move on clause 2. I move that after the words "day of meeting" the words "except in cases of emergency when as long as possible shall be given." These words appear in our present Standing Rules and I think it is desirable that there should be power to call a meeting of Council on a sudden emergency on less than two days' clear notice.

HIS EXCELLENCY—I entirely agree with the hon. member.

The amendment was accepted.

THE COLONIAL SECRETARY—I suggest that in line three the words "orders of the day" be substituted for agenda. That is the usual expression.

Clause 2 was then agreed to.

On clause 55,

HON. MR. POLLOCK — I have two amendments. The first is that at the beginning of line 6 "once" be substituted for "twice." It has always been the practice to advertise a private Bill once in the *Gazette*, and I think, Sir, it would be a hardship if a long Bill such as a Tramway Bill had to be published more than once. In the same line "weekly" should come out. I beg to move that in the next line the words "once as amended in committee prior to the third reading" be deleted and the following words inserted, "if amended in committee once prior to the third reading." The only object of publication prior to the third reading is that if a Bill has been amended, the public may be made aware of it. If the Bill is not amended since it has been originally published in the *Gazette* before being read a first time there should be no necessity for its subsequent publication.

THE ATTORNEY-GENERAL — If it is published once in the *Gazette* after it has been considered in committee of the Council it will give an opportunity before it comes on for third reading to those interested to challenge it.

HON. MR. POLLOCK—Of course if it is amended it would have to be advertised again in the *Gazette*. Would your point be met by a statement being published in the *Gazette* to the effect that such and such a Bill has passed through committee with amendment. That would draw attention to it.

THE ATTORNEY-GENERAL—It is well to let the public know the position before it is read a third time.

HIS EXCELLENCY—The former standing orders compelled one publication only. The revised ones enact that it is to be published three times.

HON. MR. ROSS—Under this rule as it stands if a Bill is not amended is it to be published?

HON. MR. POLLOCK—The wording is rather obscure. It is rather difficult to say what is the meaning of the rule. I think my proposed amendment carries out what the hon. member on my left has in view.

THE ATTORNEY-GENERAL—I think we may accept my hon. friend's amendment.

The Council then resumed.

THE COLONIAL SECRETARY—I beg to move the following resolution: Resolved that the Standing Rules and Orders of the Legislative Council of Hongkong passed in pursuance of Article XIX. of the Royal Instructions of the 19th day of January, 1888, and agreed to by the Legislative Council on the 9th day of June, 1890, and amended by the Legislative Council on the 11th day of June, 1900, and on the 5th day of December, 1901, be repealed and that the Standing Rules and Orders of which a draft was laid on the table of this Council at the meeting held on Tuesday, 27th February (which have been amended in Council to-day), be substituted therefor.

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

### **Asiatic Emigration Ordinance**

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend and consolidate the Law relating to 'Chinese Passenger Ships' as defined by the Chinese Passengers Act, 1855, and concerning Asiatic Emigrants generally." In doing so he said—This Bill purports to place the subject of Chinese emigration on an intelligible basis. Your Excellency desires to address the Council on it, and the details will be dealt with on the motion for the second reading of the Bill.

THE COLONIAL SECRETARY seconded.

HIS EXCELLENCY—The present state of the law in this Colony has long seemed to me to be somewhat unsatisfactory. The present Ordinance was passed early in 1908. When I came to the Colony the Ordinance had already been drafted for some considerable time. It had been referred to the Secretary of State and approved by him. I, being unacquainted

with the details of the emigration question, took no active part in the Bill, but confined myself to making one or two alterations which were manifestly necessary. The Ordinance of 1908 was in itself a very great improvement on the law as it stood up to that time, because for the first time it recognised the existence of a class whom we call "assisted emigrants" and legislated in order to give them a much greater degree of protection than they had enjoyed up to that time.

The number of emigrants passing through this Colony is very large indeed, and I think the Government of China has always looked to us and relied greatly upon the efforts made in this Colony to see fair play to the emigrants and to secure for them the best conditions possible. They are as a rule an exceedingly ignorant type of villagers, who fall very easily into the hands of dishonest and fraudulent people. Therefore it behoves us to do all we can to let them understand fully what they are engaging to do. The present Bill, I hope, will place the whole emigration question on a better footing. It is a very difficult matter to deal with because it involves the procedure of other countries, that is to say, the country of the destination of the emigrant, which of course, is outside our jurisdiction. We must consult those countries, and any law we pass can only be effective by co-operation with those countries, which are, chiefly, the Straits Settlements, the Federated Malay States, the Dutch Netherlands Indies, and British North Borneo.

Communication has been opened with them, but the Colonial Office is the natural agency for co-ordinating the policy of different British Colonies, and I propose therefore that the second reading of this Bill should be delayed for some time in order that we may make further investigations regarding the procedure in those countries and also as to the Colonial Office views, and in order that those interested either from a business point of view as a matter of public interest may have an opportunity of making any suggestions to the Government regarding the present rough draft of the Bill.

This Bill would have been introduced early last year, but I waited in order to refer the matter to the late Mr. Barnes, who, as Protector of Chinese in the Straits Settlements, was perhaps the greatest expert in the Far East on the subject.

As soon as he arrived in the Colony, he set to work with astonishing energy, and, after going through a mass of papers, he drafted a long and very able report, but unfortunately his sudden death deprived us of his invaluable experience in the actual drafting of the Bill. I regret that I had not even an opportunity of discussing his report with him.

The objects of the Bill are to reduce the opportunities for fraud on the part of recruiters or boarding house keepers or others dealing with emigrants; to ensure that the inspection of emigrants in the Registrar-General's office is effective; to secure for them the best terms we can; to avoid interfering with the free passengers, who do not require any particular protection; and finally, to systematise the procedure in this Colony, which has been somewhat haphazard, between the Registrar-General and the Harbour Master. In future the Registrar-General will be responsible for all examination of emigrants on land, and for boarding house keepers and other agencies, while the Harbour Master will be responsible for emigrant ships, and passages and so forth.

The ideal is that all emigration shall be free, but the poverty of a large number of these emigrants is such that it is very difficult to realize that ideal, and precludes their embarking without some assistance. The charges should be reasonable, and the contract a short one, so that the emigrant may have an opportunity of re-engaging after his contract has expired. These objects are primarily concerned with the country of destination, and it is only indirectly that we are able to promote them. I regret that my approaching departure will prevent my seeing this Bill through and placing it on the Statute book, but I hope I may be of some assistance in elucidating certain points in the Straits Settlements as I pass through, and perhaps in England. The Bill in its present form is not intended to be final or complete.

#### **Foreign Copper Coin Ordinance, 1912**

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to prohibit the importation and circulation of foreign copper and bronze coins." In doing so he said—The details concerning this Bill will be outlined when the Bill

comes up for second reading. I refer the Council now to the Objects and Reasons attached to the Bill.

THE COLONIAL SECRETARY seconded.

HIS EXCELLENCY — As my hon. and learned friend has said, the "Objects and Reasons" very fully explain the reasons of the Bill before you, and I will only, in introducing the Bill, add a word or two. It constitutes an important step in the matter of the rehabilitation of the subsidiary coinage of this Colony. We believe that the amount of copper coin in circulation in Hongkong is not really in excess of the currency requirements of this Colony. It nevertheless remains at a discount of some seven per cent. because of the large amount of Chinese copper coinage circulating here, which is of course not legal tender. We have at the present moment over a lakh of dollars worth of copper coin lying at the bank on which we are daily losing considerable interest. This sum will form a reserve and it will supply the demand which will be created by the passing of this Bill. It is proposed now to prohibit the importation and circulation of Chinese copper coin in this Colony.

This Bill has received the approval of the leading banks in the Colony, of the Secretary of State, and the Treasury in England, and of the Chinese community here. Its operation will, I think, be a valuable object lesson to us in dealing with the further question of subsidiary silver coinage. I do not propose that the powers which this Bill confers shall be exercised in a drastic manner at first. I think it will probably be sufficient if we restrict the importation in bulk and also prevent the circulation of Chinese copper coins by those who handle copper currency in large quantities.

Money-lenders will not be permitted to circulate foreign copper in the Colony in exchange for other coins, but may only supply them as foreign coin for export out of the Colony. Those who receive fares for rickshas, tramways and ferries will be able to refuse Chinese coin, the circulation of which will be illegal and thereby save themselves a large loss by taking coin which is at a discount. As a result we anticipate that the Chinese copper coins will find their way back to Canton and that Hongkong coin will be in demand and will

reach par. There will probably therefore be a considerable demand for Hongkong copper coin in exchange for silver. You will observe that the Chinese "cash" is excluded from the scope of the Bill, and this, I think, is necessary, because such a form of currency is needed by the very poor. In India up to the present day the cowrie is still in existence in the bazaar. It is only worth a fraction of a pie, which is itself worth only one-third of a farthing. This is a striking instance of the use of the retaining very small coins for the necessity of the extremely poor.

The motion was agreed to.

The Objects and Reasons attached to the Bill state:—Up to recently Hongkong copper coin was at a very large discount, but recent measures for redemption has reduced it to a figure which it is considered cannot be further reduced without legislation on account of the free circulation of foreign coins. As the discount causes great hardship to many businesses in the Colony and as the amount of Hongkong coin in circulation and in stock at the present time is estimated to be no more than is required for the needs of the Colony, opportunity is now taken to prohibit the circulation of foreign coins. It is believed that, with the successful operation of this Bill, the coin in question will rise, almost, if not quite, to par. The principle of the Bill has been approved by residents representing all sections of the business community.

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

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to amend the Law Revision Ordinance, 1911." In doing so he said—This Bill, like several others which have been submitted to the Council, is an Ordinance which has been introduced for the purpose of the revision being carried out by His Honour the Chief Justice. This Ordinance completes the schedules of that Law Revision Ordinance up to 1903, and there will be only one other submitted to complete the schedule for the purposes of the revision.

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

Council then resolved itself into Committee to consider the Bill clause by clause.

THE ATTORNEY-GENERAL—I move the suspension of the Standing Orders so as to enable the Bill to be read by marginal heading only.

This was agreed to, and the Bill passed through Committee without amendment.

Council then resumed.

THE ATTORNEY GENERAL—I ask the permission of the Council to allow the Bill to be read a third time. I move that it be read a third time.

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

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

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to amend the Law Amendment Ordinance 1911." In doing so he said—This also completes the schedule of the Law Amendment Ordinance passed last year, up to 1903.

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

Council then resolved itself into Committee to consider the Bill clause by clause.

THE ATTORNEY-GENERAL—I move the suspension of the Standing Orders so as to allow the Bill being read by the marginal headings only.

This was agreed to, and the Bill passed through Committee without amendment.

Council then resumed.

THE ATTORNEY-GENERAL moved that the Bill be read a third time.

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

#### **Births and Deaths Registration**

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

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to amend the Law relating to the Registration of Births and Deaths." In doing so he said—The Bill is a very short one and quite simple. It proposes to include clerks at public dispensaries where infants are taken to be vaccinated as district registrars. As the Objects and Reasons say, it is hoped to encourage Chinese to register the births of their children by giving them the opportunity of registering at the public dispensary when they take their children to be vaccinated, as many Chinese women have a natural aversion to attending at police stations for any purpose.

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

Council then resolved itself into Committee to consider the Bill clause by clause.

The Bill passed through Committee without amendment.

Council then resumed.

THE ATTORNEY-GENERAL moved that the Bill be read a third time.

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

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

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to amend the Gambling Ordinance, 1891." In doing so he said—There has of late been wholesale dealing in lottery tickets in the Colony, and it was found that the law was not sufficient to deal with the possession of lottery tickets as apart from the sale of them. This Bill amends the Ordinance by increasing the penalty from \$25 to \$1,000. It also makes possession of lottery tickets with a view to their sale illegal. It places the onus of proof on a person in possession of tickets to prove that he is not in possession illegally with a view to sale. The principle of the Bill has been carefully considered, and it is considered that a measure

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kind should be introduced in the interests of the Chinese community.

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

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

The Bill passed through Committee without amendment.

Council then resumed.

THE ATTORNEY-GENERAL moved that the Bill be read a third time.

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

### Holidays Ordinance, 1912

THE ATTORNEY-GENERAL moved the second 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." In doing so he said—This Bill, Sir, amends the law relating to public and bank holidays. Under Ordinance 2 of 1875 all public holidays are bank holidays, and there are certain days which are bank holidays only. It is considered desirable to have a holiday for public offices, Government departments and educational institutions which is not a bank holiday. Such a holiday in future will be styled "a public holiday" as distinguished from "a general holiday" which is to be a *non dies* and kept by the entire community. The subject, Sir, has engaged the attention of the Chamber of Commerce and the various banks of the Colony, and as the result of representations and exchange of views it has been decided no longer to keep Victoria Day which it is proposed to be known in future as "Empire Day," and to have instead two bank holidays on certain Mondays in October and November, respectively. This arrangement distributes the bank holidays more evenly and affords a fitting respite from toil at appropriate intervals. With regard to the November holiday it is placed as nearly as possible to the birthday of His late Majesty King Edward the Seventh of blessed memory. At the same time Empire Day will be kept as a holiday for public and educational institutions as distinguished from a bank holiday. Clause 3 makes the necessary provisions to meet the

cases where a holiday falls on a Sunday. It also provides that if the Chinese adopt the Gregorian calendar—a probable contingency—the first two days in January are to be general holidays. It is extremely likely that the Chinese will adopt it, and we will welcome it as giving an extra holiday. I hope that my hon. and learned friend opposite will do all in his power to expedite such an enterprise.

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

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

On clause 3.

THE ATTORNEY-GENERAL moved that in sub-section 2 of clause 3 the word "first" should be spelled out and that the word "week" be inserted before "day" so as to read "first week day."

HON. MR. POLLOCK—Sub-section 12 will perhaps read better if instead of the words "unless Christmas Day shall fall on a Sunday then the Tuesday following Christmas Day" there be inserted the words in lieu thereof "or if that day should be a Monday then the following day."

HON. MR. HEWETT—The idea was that in the event of the Chinese adopting the Gregorian calendar that at Christmas we should have two week day holidays and at the New Year two week day holidays, that is to say, that should Christmas and New Year fall on a Sunday we should have three consecutive holidays.

HON. MR. POLLOCK—Sub-section 12 could be made a lot shorter by making it read "if that day be a Sunday or a Monday then the following day."

HON. MR. OSBORNE—As long as we get the holiday it will be all right.

HON. MR. HEWETT — If we find by experience that we do not get our holidays we can then ask the Council to amend the Ordinance.

THE ATTORNEY-GENERAL—My hon. and learned friend consents to it standing as it is, and it is quite intellegible.

Clause 3 was then agreed to.

On clause 8,

THE ATTORNEY-GENERAL — In sub-section 3 of clause 8 after *a* it is necessary to insert a new sub-section. I move that a new sub-section *b* be inserted to read as follows: (b) In section 4 (1) by the insertion at the end thereof of the following proviso: "provided that if the Chinese hereafter adopt the Gregorian calendar the Chinese New Year vacation shall be extended, and terminate on the third week day in January." Sub-section *b* will now become sub-section *c*.

This was agreed to.

The Bill passed through Committee.

Council then resumed.

THE ATTORNEY-GENERAL moved that the Bill be read a third time.

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

### **Deportation Ordinance, 1912**

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to provide for the deportation of undesirable aliens and certain other persons." In doing so he said—Your Excellency desires that this Bill should receive the full consideration of the Council and therefore it is not proposed, having regard to the considerable amount of business before the Council, to take the Committee stage to-day. The Bill was drafted in my absence from the Colony, and I may say very ably drafted, by my learned friend Mr. Alabaster. The Bill amends and in some respects simplifies the law relating to banishment, which in future is to be styled by the more apt term of "deportation." It consolidates all the laws relating to banishment. The words "House of Detention" have been substituted for the word "gaol" which are regarded as a more applicable expression in the case of banishment. Clause 3 is important. It is a new provision and we believe it to be a useful one. It will enable the person proposed to be banished to state his own case, and the Governor-in-Council, after considering the answers to the interrogatories administered to

him by the Registrar-General, will be able to come to a right decision. It provides machinery, non-existent at present, which is considered useful and desirable. I may point out that clause 12 expressly prevents any replies which may have been given by the person to be deported to the Registrar-General to be used in evidence against him in any other proceedings. Clause 3 also enacts the necessary provisions for detention of the person in custody pending further enquiry, for bail, and also for discharge by direction of the Governor. Clause 5 embodies certain provisions of the Peace Preservation Ordinance of 1886 and also carries out the intention of the China and Korea Order in Council, 1910, and authorises the deportation of any British subject not belonging to Hongkong who has been imprisoned in the gaol here by an order of the Supreme Court in China and Korea. The clause vests express powers in the Governor-in-Council to deport such persons. Although as a general rule natural born British subjects are outside the scope of the Banishment Ordinance it is manifestly unjust that when prisoners have been convicted by the Consular Courts for crimes committed in China and have been sent as a matter of convenience to serve their terms of imprisonment here, that this Colony should be unable to get rid of them on their release from prison. Clauses 6, 7, 8, 9, and 10 are based on the old Ordinance of 1882. The period of a sentence for disobeying a banishment order has been increased. This has been sanctioned by the Secretary of State. Clauses 11 and 12 provide for the automatic banishment of Straits deportees. I may point out to the Council that certain sections of the Ordinance of 1882 have been omitted, in one case as being unnecessary and in another case as being in direct conflict with Article XIV. of the Letters Patent of 1888. I have outlined in brief the general effects of the Bill, and when it comes up for third reading I shall be glad to afford any further information with regard to its clauses.

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

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

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to amend the law relating to

Dangerous Goods." In doing so he said—The Dangerous Goods Ordinance of 1873 as amended makes it an offence punishable by a fine of \$100 a day to be in possession of dangerous goods without a licence. It has been considered desirable owing to recent circumstances to make imprisonment an additional penalty, the imprisonment not to exceed 6 months. Hon. members are quite familiar with the Dangerous Goods Ordinance and with the particular goods described as dangerous. The possession of these dangerous goods in the opinion of the police is a serious matter, and it is proposed to give the power of awarding imprisonment in addition to a fine.

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

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

THE ATTORNEY - GENERAL — This drastic provision was drafted under instructions.

On clause 2,

THE COLONIAL SECRETARY—I think you should insert in line 10 after the words "exceeding six months" the words "or to a fine not exceeding" (anything you like) "or to both."

HON. MR. OSBORNE — Under this Ordinance I am liable to imprisonment. If dangerous goods are landed in the godown without a licence, I must go to gaol.

HIS EXCELLENCY—I think we had better leave this clause in Committee.

This was agreed to, and Council then resumed.

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

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to amend the Arms and Ammunition Ordinance, 1900." In doing so he said—It has been deemed desirable in the case of offences against the Arms and Ammunition Ordinance, 1900, that the power of the magistrates to imprison should not be confined to cases where the offender is unable to pay a fine. Therefore it is proposed to substitute the words set out in clause 2 so that

section 28 of the Principal Ordinance will read: "liable to a penalty not exceeding \$200 and to imprisonment for any term not exceeding three months." I may point out with regard to this that under the Penalties Amendment Ordinance passed last year, drafted by the Chief Justice, the magistrate can impose either imprisonment or a fine. It is clearly provided for in Ordinance 30 of 1911, section 11, that these words give him the alternative right of imposing either imprisonment or a fine or both.

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

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

The Bill passed through Committee without amendment.

Council then resumed.

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

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

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

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled "An Ordinance to amend the Liquors Consolidation Ordinance, 1912." In doing so he said—Section 57 of the Liquors Consolidation Ordinance passed last year provides for the grant of licences for warehousing liquors. It provides a uniform fee of \$250 or such other sum as the Legislative Council may from time to time prescribe in respect of these licences. It is proposed that these licensed warehouses shall be classified in future, as certain of them can stand a higher licence fee than others. At present these warehouses are in four classes, those for European wines, those for Chinese wines, and bean curd shops, and those for the shops which keep spirits of wine with which to make tinctures and scents. Sub-section 3 will now give power to the Legislative Council to alter the fees for the licence in respect of all classes or any class of warehouse. Subject to any alteration the existing fee stands.

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

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

The Bill passed through Committee without amendment.

Council then resumed.

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

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

### **The Military Contribution**

HIS EXCELLENCY — I will ask the permission of the Council to make a personal explanation. When replying to the remarks of the hon. member for the Chamber of Commerce regarding the military contribution in the debate on the estimates for this year, I said that the delegates who had proceeded home to attend the Coronation had an interview with the Secretary of State, who told them that he was about to appoint a Departmental Committee. I have received a despatch from the Secretary of State in which he points out that that statement was incorrect and might lead to misapprehension. The reference in the despatch is as follows: "I fear that some misapprehension may have occurred with regard to the proposed inter-departmental committee to which you referred in your speech. You say that 'the delegates... had an interview with the Secretary of State and he told them he was about to appoint a departmental Committee.' I would observe that the power to appoint such a Committee does not rest with the Secretary of State, but is a matter for agreement between the three departments concerned and that the consent of the Army Council and the Lords Commissioners of the Treasury must be obtained before the Committee can be assembled. I am at present in correspondence with the Lords Commissioners and the Council on the subject." I have asked the permission of the Council to make this correction in my statement on that subject in order that there may be no misunderstanding.

### **His Excellency's Farewell**

HIS EXCELLENCY—Before adjourning the Council, as this is the last occasion on which I shall occupy this chair to my great regret, I would like to take the opportunity of thanking the hon. members of this Council, and more especially the unofficial members of the Council, for the great consideration and courtesy which they have at all times extended to me. During the past five years, or approaching five years, in which I have had the privilege of presiding in this Council, we have passed a great deal of legislation, and some of it, I venture to think, very important legislation for this Colony. We have taken up more than one subject which had lain over for long periods of years and I hope we have dealt with them satisfactorily. These have involved very heavy demands on the time of members of this Council, especially during the past year, but our debates, however controversial the subject might be, have always been conducted without any friction and with the utmost goodwill. The reason has been, gentlemen, because every member in this Council, official or un-official, has had the same object in view, and that object has been solely the public good and the way in which the Council could promote it. I do not propose in any way to review the events of the last few years which have all had their reflex action in this Council, more especially in the matter of the finances of the Colony which is annually reviewed when the Estimates come up for presentation to the Council, but I may recall that those years while I have been in the Colony have been years of considerable financial difficulty. We have had to face some very heavy expenditure and we have not had a prosperous state of trade which has had its effect on the revenue of the Colony. We have had to meet very heavy expenditure on the railway, but I am extremely glad that before my time in this Colony has entirely passed the railway has been opened, and I may inform the Council that we have drawn up in conjunction with the negotiators appointed by the Chinese Government what I hope will be a very satisfactory working agreement. The unrest lately in China has caused a temporary suspension of the final ratification of that agreement, but I have every reason to hope that the final ratification will be completed soon, since it has been negotiated and agreed to by

the representatives of the Peking Government. In spite of our financial difficulties we have in hand very costly works, the typhoon refuge, a work of enormous importance which I hope and trust will be carried out successfully and will not give rise to any controversy as so many other public works have done regarding excess of expenditure or any other similar criticisms. In the New Territory considerable improvement has been made in the matter of communication, and, as you know, the road is completed now from Castle Peak *vi*(A17) Pingshan right through to Shataukok on the north-eastern frontier. The latter part between Lowu and Shataukok is now covered by a light railway line. I think on the whole, therefore, we may consider that the finances of the Colony are not in an unfavourable condition, all things considered. We are embarking this year on that long delayed and most necessary scheme for another reservoir at Tytam Tuk. It is with the keenest regret that I am vacating this seat, and in doing so I cannot wish this Council any better wish than that their deliberations in future shall be conducted as they have been ever since I have known them with goodwill and with the sole object of furthering the public good. With these words, gentlemen, I shall take leave of you. (Applause.)

HON. DR. HO KAI said—Your Excellency, I have listened with much interest and emotion to your farewell speech. I am sure I express the united sentiments of my unofficial colleagues when I say we feel great regret in saying "Good-bye" to you in this Council Chamber to-day. By your promotion and transfer to a more important and higher post in the Empire, this Colony is sustaining a great and irreparable loss. It was just about this time five years ago that the first announcement of your appointment as Governor of Hongkong reached us, and, as your fame had long preceded you, we had high expectation of your administration when we welcomed you to our shores a few months later. Speaking from the experience of the past five years I can conscientiously say that our expectation has been fulfilled and exceeded. Your Excellency's wise and liberal administration of the Government of this Colony has given universal satisfaction and has won the respect and admiration of every section of this cosmopolitan community. With extraordinary ability and tact, fairness and courtesy you have presided over this Council, and the many new and useful

Ordinances which stand in our statute book are so many testimonials of your industry and labour as a legislator. It is only a week ago that I received a copy of *Hansard* for 1911. Its unusual bulk and interesting contents furnish abundant and the latest evidence of the useful work carried on in this Council under your presidency. In all our debates and discussions in this Chamber we have always met with the kindest treatment and courtesy at your hands, and I, for one, shall never forget the kindly consideration I have always received from your Excellency. When you first arrived in this Colony I believe you, Sir, found it in considerable financial difficulties, and you at once set about to procure material improvements. By exercising strict economy and adopting wise measures you have gradually, but surely, improved our financial condition from year to year, and in spite of the long-continued depression of trade and a considerable loss in the opium revenue you have succeeded in placing our finances on a sound and satisfactory footing. At the same time important public works have not been neglected, for within the period of your administration we have had the pleasure of seeing the completion of the Kowloon and Samchun Railway, the Post Office and Law Courts and the starting of the Tytam Village water-works, and the harbour of refuge at Tai-kok-tsui. Nor has the sanitation of the Colony been overlooked, but sanitary measures of every description have had your Excellency's closest attention and consideration. One of the best results of your sanitary measures is the practical cessation of body-dumping into the streets, and the satisfactory establishment of public dispensaries and district hospitals in the Colony. These institutions will relieve much suffering on the part of the poorer classes of Chinese, and cannot fail to spread a better knowledge of sanitary science and law among the native community. The great interest you take in education in Hongkong has led you, Sir, to devise means for its improvement. Not content with the vast improvements and increased proficiency effected in the Government and grant-in-aid schools, you have extended your efforts into private colleges and primary vernacular schools, and you have crowned the whole with the foundation of the Hongkong University for the advanced students of all nationalities, races and creeds. Sir, it does not

need a prophet to predict that you will be long remembered by future generations as the eminent promoter of education, and with the University your name will be handed down and cherished with loving and grateful memories. I cannot conclude, Sir, without expressing my great admiration of the able and successful way you have preserved the good order and peace of this Colony when the neighbouring provinces were in a disturbed condition. In my humble opinion no one could have succeeded so well and completely as your Excellency, and this is due largely to your having won the respect and confidence of the Chinese and to your great sympathy with them in all their legitimate aspirations and undertakings. In saying "Good-bye" to you, Sir, I wish you and Lady Lugard health, prosperity and every happiness, and may your Excellency achieve equal and even greater successes in your new sphere of usefulness where your distinguished and valuable services are urgently needed by your King and country.

HON. MR. WEI YUK—Your Excellency, my friend has so well and fully expressed my views and sentiments that he has left me not much to add. I merely now say that I heartily endorse his remarks with regard to your Excellency and I now join with him in wishing your Excellency and Lady Lugard health, happiness and prosperity.

HON. MR. POLLOCK—As the hon. and senior unofficial member has pointed out, during your tenure of office in this Colony some very important public works have been completed, and, Sir, in departing you will leave behind you other important works which you have inaugurated and which will also in the future be connected with your name. The extension of the Tytam water-works and the building of the typhoon refuge will be memorials to your initiative and will confer permanent and lasting benefits upon the inhabitants of this Colony. I have been very glad to hear from you to-day that the scheme for a wireless telegraph station is likely to be, in consequence of your energies, shortly placed on a working basis. As the hon. and senior unofficial member has pointed out, your Excellency has not only attended to what one may call the material needs of the Colony, but you have also by your interest in education shown a desire to spread by means of British influence in this Colony enlightenment in

Western methods and progress among the Chinese people. I feel sure that the University will always be a lasting memorial to your Excellency's stay amongst us. You, Sir, will shortly be returning to the field of your former distinguished labours in Nigeria, and we are confident that you will gain yet further laurels in the service of the Empire. (Applause.)

HON. MR. OSBORNE—Sir, my experience on this Council is not a very extensive one, but my experience in the Colony extends over a large number of years, and during the whole of my residence here I have always taken the keenest interest in public affairs. Comparisons are odious, but I cannot refrain from drawing a comparison between the somewhat acrimonious debates that have taken place in this Council in past years and comparing them with the good feeling that has always characterised the relationship between officials and unofficials in this Council to-day. I may be told that this is due to the lamblike and obliging attitude of the unofficials, but I think, Sir, if you will recall the attacks of the hon. member who represents the Chamber of Commerce and the tenacity with which Mr. Murray Stewart carried on debates in this Council that that criticism would not be justified. That good feeling, Sir, is entirely due to the accessibility of your Excellency to all classes of the community, more especially to members of this Council. The basis of real progress is a thorough understanding. You have always realised this, and have invited not only the members of the community but the members of this Council to come and speak freely before you and interchange their views. To that, Sir, and that alone, I attribute the good feeling which exists in this Council to-day. You came to the Colony when its affairs were not in a flourishing condition, and you leave it at a time when they are still somewhat in the balance, but in a condition very different to that in which you found it. It is true that some of our trade has departed, but what trade there is rests on a very firm basis. You have during your tenure of office done everything you could to foster trade and industry. It is due in great measure to your interest in commercial affairs that the position of the Colony to-day is better than when you came. You, Sir, are now going to another region of the British Empire where I feel sure you are

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to play no unimportant part in the attainment and development of the best that appertains to the words British Empire. And, Sir, when in the days ahead you come to look back to the time you spent in Hongkong you will look back with the satisfaction of a man who has done his duty, and, Sir, in wishing you and Lady Lugard "Good-bye," I can assure you that you leave us better off than when you came. You leave us with the thanks and appreciation of a grateful community. (Applause.)

HIS EXCELLENCY—Gentlemen, I am a loss to find any words in which to thank you sufficiently for the kind phrases which have been used about myself. I can only say I feel them very deeply, and I shall treasure them for the rest of my life. Council will now adjourn *sine die*.

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FINANCE COMMITTEE.

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

### Support of Lunatics

The Governor recommended the Council to vote a sum of two thousand dollars (\$2,000) in aid of the vote Miscellaneous Services, Support of Lunatics abroad.

HON. MR. HEWETT—The only thing I would suggest, Sir, is whether the word "abroad" is a happy one.

THE CHAIRMAN—"Abroad" means out of the Colony.

HON. MR. HEWETT—Rather than go to the expense of building a fully equipped lunatic asylum for these people the arrangement was to send them home at the expense of the Colony and also if necessary that the Government will pay for their cost rather than keep them here.

THE CHAIRMAN—That is so. It is not only to pay their passage but to pay for their maintenance.

The vote was passed.

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