

31ST OCTOBER, 1912.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR F. H. MAY, K.C.M.G.

HON. THE OFFICER COMMANDING THE TROOPS, COLONEL C. W. R. ST. JOHN.

HON. MR. CLAUD SEVERN (Colonial Secretary).

HON. MR. J. A. S. BUCKNILL (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. SIR KAI HO KAI, M.D., C.M.G.

HON. MR. WEI YUK.

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

HON. MR. E. OSBORNE.

HON. MR. C. H. ROSS.

HON. MR. J. W. C. BONNAR.

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

Minutes

The minutes of the previous meeting were read and approved.

The Water Supply

HIS EXCELLENCY—Before we proceed with the orders of the day I desire to make a short statement with your permission regarding the necessity of economising the water supply. It is necessary to resort to some further means of conserving the available supply of water in order to tide over the dry season which has set in. On the 21st instant, the reservoirs contained 452 million gallons and their contents had been depleted during the preceding week to the extent

of $20\frac{1}{2}$ million gallons. If the present hours of supply (2 hours daily throughout the Rider Main Districts and constant supply elsewhere) be maintained, the rate of depletion will increase somewhat as the dry season advances, and I consider that it must be estimated at 23 million gallons per week. On this basis, the water in the reservoirs would last for 19 weeks from the 21st instant, or until the end of February. As the rains cannot be depended upon to commence before the middle of May next, it is necessary to adopt arrangements which will result in the available stock of water (452 million gallons) being distributed over a period of, say, 30 weeks. The rate of depletion of the reservoirs must therefore be reduced to 15 million gallons per week or, say, 2 million gallons per day. The streams, including those intercepted by the temporary pump near Tytam Intermediate Reservoir, can be depended upon to yield about 1 million gallons per day, thus admitting of a daily supply of 3 million gallons. As the daily consumption under constant supply amounts to 6 million gallons or 24 gallons per head per day, the diminished supply (3 millions per day) would amount to 12 gallons per head per day, which is rather more than the daily consumption in Kowloon under constant supply. No great hardship will therefore be inflicted on the population by the proposed reduction in the daily supply, provided such supply can be uniformly distributed. There are three alternative methods of effecting the necessary reduction in the consumption, viz.:—
(a.) A reduction in the hours of supply by rider mains to the rider main districts. (b.) The erection of public fountains and disconnection of the house services throughout rider main districts. (c.) The importation of water for the supply of that portion of the City bordering the harbour and the disconnection of such portion from the City mains. The Government have given this matter the most careful consideration and have arrived at the conclusion that the second of these measures is the best. There is already only a two hours' daily supply to the rider main districts. A reduction to one

hour, which would be necessary to produce an economy approaching to what is necessary, would cause much hardship to the occupiers of the upper floors of houses from which complaints are even now frequent. The occupiers referred to would under a one hour's supply have to go long distances to obtain water and would collect it often from sources liable to contamination. Judging by experience in Kowloon, a constant supply by means of public fountains can be given without the consumption exceeding the prescribed limit of 3 million gallons a day. It is estimated that about 480 fountains each with two taps will suffice and that those can be made available at a cost of \$10,000. Under the system which has been adopted it is not possible to place the houses in Victoria outside rider main districts on an intermittent supply nor is it intended for the present to put the hill district on an intermittent supply, because the economy in water effected thereby is small and the trouble of introducing the system great. But the public are earnestly requested to exercise strict economy in the consumption of water. I can only add, gentlemen, that I hope that these precautions will in the event not be rendered necessary. Judging from the present outlook, it is absolutely necessary for us to take early measures to conserve the water supply.

Financial Minutes

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table Financial Minutes Nos. 54 to 55, and moved that they be referred to the Finance Committee.

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

Financial

THE COLONIAL SECRETARY laid on the table the report of the Finance Committee (No. 11), and moved its adoption.

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

Papers

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table the Report of the Director of Public Works for 1911.

Road Wanted

THE HON. MR. OSBORNE, in terms of notice, asked:—

1.—In view of the developments now proceeding at Sam Sui Po and Ap Lui and in view of the fact that these places are accessible to wheeled traffic for only part of the way will the Government at an early date take steps to improve the communication to this district?

2.—Will the Government undertake the construction of a ricsha road from Sam Sui Po to Lai Chi Kok, in order to give access to the Petroleum Installation, Brewery, Quarantine Station (now used as a Barracks) and bathing grounds in the vicinity?

THE COLONIAL SECRETARY replied:—

1.—The construction of any road which can be regarded as permanent between the places named is too great a work to undertake at present and any temporary road would involve a considerable amount of bridging which would have to be discarded later. Communication will be improved as circumstances permit, but there are other roads which are considered of prior importance from a public point of view to the one now suggested.

2.—It is at present possible to reach Sam Sui Po by jinrikishas. A scheme of thoroughfares for this district has been prepared, but resumptions and readjustments of numerous existing lots and considerable excavations and embankments must be made before the scheme can be carried out. The matter is being proceeded with as circumstances permit. The existing communication by road is considered sufficient meanwhile.

The Crown Solicitors Ordinance, 1912

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

THE COLONIAL SECRETARY seconded.

THE HON. MR. POLLOCK—Sir, with reference to this Bill, I should like to make a few observations on it. My observations

will be confined to Sub-section (iii) of Paragraph (a) of Sub-section (I) of Clause 3 of this Bill. The Sub-section in question enables the Crown Solicitor or Assistant Crown Solicitor, with the consent of the Governor, to give advice to the Naval and Military Authorities. It was stated by my hon. and learned friend, the Attorney-General, at the last meeting of the Council that there is nothing in the present Ordinance which interferes with private practitioners' practice or their rights. I am quite sure my hon. and learned friend made that statement in absolute and perfect good faith, but, Sir, it has been pointed out to me that in fact, as regards this particular clause in question, it has never been the practice for the Crown Solicitor of this Colony in his capacity of Crown Solicitor to advise the Naval or Military Authorities in any way. Therefore, if this Clause is inserted, it is an invitation, as it were, to the Naval and Military Authorities to go to the Crown Solicitor or Assistant Crown Solicitor for advice, and it will certainly tend to interfere with a certain amount of work which has hitherto formed a certain part of the work of private practitioners. Therefore, when this Bill is in committee, I shall propose an amendment to omit this particular Sub-section.

THE ATTORNEY-GENERAL—With reference to this point I only wish to say this—that what I said before was not altogether with a full knowledge that the practice had been different, as the hon. member says; but I should like to point out that in this Sub-section (iii) there is a very important qualification, and that is that His Excellency's consent has got to be given before any work for the Naval or Military Authorities can be undertaken by the Crown Solicitor. Now it is just as well to say clearly that so far as I can see—and I suppose I may regard myself as to some extent responsible for the Crown Solicitor and Assistant Crown Solicitor (they work really in the same department)—there is no likelihood or probability that the Naval or Military Authorities will put in the hands of the Crown Solicitor or Assistant Crown Solicitor any quantity of, or indeed any, work, excepting possibly in extremely exceptional circumstances. And if they did try, or if they did wish, to put in the hands of the Crown Solicitor or the Assistant Crown Solicitor any work of anything but an exceptional character, I can say quite clearly that

at the present time, as far as I see, and even more so in the future, it would be impossible for the Crown Solicitor or Assistant Crown Solicitor to undertake such work. I say at the present time advisedly and in the future more so, because at the present time one of the branches of the work which engages, I do not say the whole, but a very large part of the time of the Crown Solicitor is extradition. Now at the present time, owing to circumstances with which this Council is familiar, extradition is at a standstill. There is no extradition between Hongkong and the neighbouring country. But when, as no doubt will be the case in a comparatively short space of time, the relations are such that extradition begins again, the time of the Crown Solicitor will again be very fully occupied with those proceedings. The Crown Solicitor's work will be enlarged very considerably by this Bill, and with the work which he now does—which is practically the whole of the Solicitor's work of the Crown—it does not appear to me that the Naval or Military Authorities' work will be capable of being undertaken in the ordinary way by the Crown Solicitor himself. Now, Sir, in the case of a firm, of course, the position of a firm with regard to being able to cope with a large quantity of extra work is quite different to that of officials in a particular department. And, therefore, if it be found that the work so proposed to the Crown Solicitor by the Naval and Military Authorities cannot be undertaken, and I go so far as to say if it be inconvenient in any way for the Crown Solicitor or the Assistant Crown Solicitor to take it, no doubt the consent of the Governor will not be given. Therefore, Sir, I do not think that this Sub-section (iii) of paragraph (a) of Sub-section I. of Clause 3 of this Ordinance is actually going to have any material effect on private practitioners. In fact, I may say that I feel sure it will not. There is one other thing, and that is, that it does seem desirable that such a power as this should be given to the Crown Solicitor, because there are circumstances in which the Naval and Military Authorities might possibly have exceptional points which they might desire—and as a Government Department might properly desire—to put in the hands of another department of the Crown, and if something or other of this kind is not inserted apparently it would be impossible for this Government to

render to the Military or Naval Authorities of the Crown any assistance which it might be desirable that they should have. Under these circumstances, I really do not think this clause is going to affect materially any private practitioners.

The motion was agreed to.

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

On clause 2,

HON. MR. POLLOCK—There is a question of principle in connection with this clause, and that is, one does not see why there should be any difference between the qualifications of the Crown Solicitor and the Assistant Crown Solicitor. So far as I am aware, the only practical difference between the qualifications in 2a and the qualifications in 2b are those that the Attorney-General referred to, that 2a shall have passed all his examinations and have also been at the expense of paying fees for call to the Bar as the case may be or admission as a Solicitor. I cannot see why it is considered sufficient that an assistant should have to pass all his examinations without going to that expenditure and that it should be considered necessary that the Crown Solicitor should have in addition paid certain fees. This is not merely an academic point, because it might come to pass that a certain gentleman was appointed Assistant Crown Solicitor who had passed all examinations without paying those expensive fees for actually becoming a member of the profession, and then it might chance that the Crown Solicitor was promoted and that the Government wished to promote the Assistant Crown Solicitor to be Crown Solicitor. If such a case did arise, then the Assistant Crown Solicitor would have to pay certain heavy fees simply for the purpose of making himself eligible for the position of Crown Solicitor.

THE ATTORNEY-GENERAL—The answer is quite simple. In the first place, there is a very marked distinction between the Crown Solicitor and the Assistant Crown Solicitor. The Crown Solicitor is what I may call a major official, one of the higher officials. He holds a responsible post, and it seems desirable that he should be a man possessing all the qualifications of a legal practitioner. He would be sure to be an older and more experienced man. On the other hand, the Assistant Crown Solicitor's post is not a major

post. If I may say so without any offence, it is one of the more minor posts in the service. It would be normally held by a younger and less experienced man. There is nothing to prevent such a man at any time taking up, as I hope he might, those necessary qualifications which would render him capable of being appointed Crown Solicitor in the event of that official being promoted. That is the reason for the distinction. You have a highly qualified man, and you have a less qualified man.

HON. SIR KAI HO KAI—I think the clause as it stands is quite just. The man who occupies the position of Crown Solicitor should be more highly qualified in every sense.

HON. MR. POLLOCK—It seems to me members are mixing up qualifications and status.

The clause was then approved.

On clause 3,

HON. MR. POLLOCK moved that sub-section *a* (iii.) be omitted. In doing so he said—After what has fallen from the learned Attorney-General, I do not see that there is any escape from the position that the Government are inviting the Naval and Military Authorities to do what but for this Bill they would not be entitled to do, to have the services of the Crown Solicitor or the Assistant Crown Solicitor. That, Sir, in whatever way it is disguised, is to a certain extent competition on behalf of the Government with private firms.

HON. SIR KAI HO KAI—I support my learned friend opposite. It is unnecessary to place such a clause in the Statute Book. If the Naval and Military Authorities wish to consult the Government at any time they can do so under existing conditions. It can be done departmentally, and no one would be any the wiser.

THE OFFICER COMMANDING TROOPS—I am very glad that this clause is being inserted. At Home we are directed not to go outside for legal advice. In England we have the Treasury Solicitor, in Ireland the Chief Crown Solicitor, and in Scotland we have another official whose title I have forgotten at the moment. It is very necessary that we should be able to consult on occasion with the Crown Solicitor.

HIS EXCELLENCY—If those who object to this clause push their argument to its logical conclusion, then the Government ought not to have a private solicitor. They ought to employ an outsider. It is conceivable that a department might not wish to consult a private practitioner, but would wish to consult a government department. We are all servants of the Crown. It is really all one business.

HON. SIR KAI HO KAI—It is not merely consulting. It is also appearing in Court.

THE ATTORNEY-GENERAL — It seems rather curious that it should be suggested that the Attorney-General, who is the legal officer of the Crown, should not be able to appear for the Admiralty or for the War Office.

HON. SIR KAI HO KAI—There are occasions when the Government here are at loggerheads with the Naval or Military Authorities. It would be a curious position if the Attorney-General were to support the Admiralty or the War Office against the Government.

THE ATTORNEY-GENERAL — In such a case obviously they would not consult the Colonial legal advisers.

HIS EXCELLENCY — This provision has been made at the request of the Imperial Government, and we cannot accept any alteration.

The question was put to the vote, and His Excellency declared that the "Noes" had it.

HON. MR. POLLOCK challenged a division, and a vote was taken with the following result:

Ayes.—Hon. Mr. H. E. Pollock, Hon. Sir Kai Ho Kai, C.M.G., Hon. Mr. Wei Yuk, C.M.G., Hon. Mr. E. Osborne.

Noes. — Hon. Officer Commanding the Troops, Hon. Colonial Secretary, Hon. Attorney-General, Hon. Colonial Treasurer, Hon. Director of Public Works, Hon. Registrar-General, Hon. Capt. Superintendent of Police, Hon. Mr. C. H. Ross, Hon. Mr. J. W. C. Bonnar.

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.

China Congregational Church Ordinance

HON. SIR KAI HO KAI moved the second reading of the Bill entitled, "An Ordinance to provide for the incorporation of the Church Body of the China Congregational Church in Hongkong."

HON. MR. WEI YUK seconded, and the motion was agreed to.

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

On Council resuming,

HON. SIR KAI HO KAI moved that the Bill be read a third time.

HON. MR. WEI YUK seconded, and the Bill was read a third time and passed.

Vehicles and Traffic Regulation Ordinance

THE ATTORNEY-GENERAL moved that the next order, "The Vehicles and Traffic Regulation Ordinance," be discharged until next meeting, as the regulations were not yet completed.

Agreed to.

Supplementary Estimates

THE COLONIAL SECRETARY moved that the Council go into Committee on the Bill entitled, "An Ordinance to authorize the Appropriation of a further Supplementary Sum of twenty-eight thousand six hundred dollars and forty-five cents, to defray the charges of the year 1911."

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

On Council resuming,

THE COLONIAL SECRETARY moved that the Bill be read a third time.

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

The Estimates

THE COLONIAL SECRETARY moved the third reading of the Bill entitled, "An Ordinance to apply a sum not exceeding seven million one hundred and sixteen thousand four hundred and fifty-four dollars to the Public Service of the year 1913."

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

HIS EXCELLENCY—Council will adjourn until this day fortnight.

FINANCE COMMITTEE.

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

Survey of the Colony

The Governor recommended the Council to vote a sum of \$500 in aid of the vote Public Works, Extraordinary, Miscellaneous, Triangulation Survey of Colony.

Fire Brigade Charges

The Governor recommended the Council to vote a sum of \$400 in aid of the vote Police and Prison Departments, *B.*—Fire Brigade, Other Charges for the following two items:—

Coal.....	\$250
Repairs to Engines and Plant.....	150
	<hr/>
Total	\$400
	<hr/>

Royal Square

The Governor recommended the Council to vote a sum of \$2,000 in aid of the vote Botanical and Forestry Departments, Other Charges, Garden in Royal Square.

THE CHAIRMAN—The acting-director has recommended that a sum of \$2,000 should be spent on the laying out of the garden in Royal Square.

HON. MR. POLLOCK—How is it proposed to be laid out?

THE CHAIRMAN—The same style as the other.

HON. MR. POLLOCK—I should have thought that plain turf—

HON. MR. OSBORNE—Would it be in order to increase this vote to turf the "finest" site?

THE CHAIRMAN—We are not dealing with that particular site.

HON. MR. OSBORNE—Can we not order a little more turf? (Laughter.)

THE CHAIRMAN—Is provision of this sum agreed to?

The vote was passed.
