

18TH JUNE, 1914.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR FRANCIS HENRY MAY, K.C.M.G.

HIS EXCELLENCY MAJOR-GENERAL F. H. KELLY, C.B. (General Officer Commanding Troops).

HON. MR. CLAUD SEVERN (Colonial Secretary).

HON. MR. J. H. KEMP (Attorney-General).

HON. MR. E. D. C. WOLFE (Colonial Treasurer).

HON. MR. A. F. CHURCHILL (Director of Public Works).

HON. MR. E. R. HALLIFAX (Secretary for Chinese Affairs).

HON. MR. C. MCI. MESSER (Captain Superintendent of Police).

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

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

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

HON. MR. E. SHELLIM.

HON. MR. D. LANDALE.

HON. MR. LAU CHU PAK.

MR. M. J. BREEN (Clerk of Councils).

Minutes

The minutes of the previous meeting were confirmed.

Papers

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the following papers:—Medical and Sanitary Reports for the year 1913; Report of the Botanical and Forestry Department for the year 1913; Report of the Director of Education for the year 1913.

Financial Minutes

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Financial Minutes Nos. 26 to 32, and moved that they be referred to the Finance

Committee.

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

Financial

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the Report of the Finance Committee (No. 6), and moved its adoption.

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

Kowloon-Canton Railway

HON. MR. POLLOCK, pursuant to notice, asked the following questions:—

When was the contract entered into for the erection of the Kowloon Railway Station, and what was the contract price and what is the contract date fixed for completion? What is the cause of the delay in the erection of the Station? Will the Government lay a progress report upon the table at the next meeting of Council, and thereafter at intervals of six months?

THE COLONIAL SECRETARY replied:—

The foundations for the Railway Terminus at Kowloon were carried out departmentally at piecework rates. They were begun in May, 1913, and completed in February, 1914. They cost \$34,651. There was no delay in the work.

The contract for the superstructure of the Kowloon Railway Station was entered into on the 26th February, 1914. The contract was to commence on the 1st March, 1914, and the date fixed for completion is the 1st March, 1916.

The contract is a piecework one, and is estimated to involve an expenditure of \$173,847. The steelwork for the building has been obtained from England under a separate contract involving an expenditure of about \$10,000. There has been no delay in starting the work.

The platforms are being carried out departmentally at piecework rates. They are estimated to cost \$30,058. The cost of the work to date is \$17,048.

Progress reports will be laid on the table as desired by the honourable member.

Public Bathing

HON. MR. POLLOCK, pursuant to notice, asked:

What amount has the Government expended in the erection of bathing sheds and in the provision of bathing facilities at West Point?

THE COLONIAL SECRETARY replied:—

The amount expended is \$900.

Wild Birds and Game Preservation Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to make provision for the protection of certain Wild Birds and Game."

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

The Objects and Reasons attached to the Bill are as follow:—

The main object of this Bill is the protection of non-edible wild birds throughout the year and the prohibition of the export of the plumage and skins of such birds, and the protection of certain edible birds during the breeding season.

As it seemed desirable that all matters relating to wild birds and game should be dealt with in one Ordinance, it is proposed to repeal the Wild Birds and Game Preservation Ordinance, 1885, the provisions of which, with unimportant alterations, are incorporated in the Bill.

The general scheme of the Bill is to divide wild birds into three classes. The first class consists of birds which may be shot and taken at any time by any one who holds a licence from the Captain Superintendent of Police; these birds are snipe, woodcock, geese and swans. The second class consists of birds which may, under licence, be shot or taken at any time except during the close season prescribed by the Bill; these birds are pheasants, partridges, plover, quail, wild duck, widgeon, teal, and pigeons of the scale-back or large grey variety.

The third class consists of all wild birds other than those mentioned above; these may not be shot or taken at any time. The nests and eggs of the birds in the third class are protected throughout the year, and the nests and eggs of the birds in the second class are protected during the close season.

The provisions of the Bill relating to "game," which is defined as meaning every description of deer, hare and rabbit, are practically the same as those of the existing Ordinance, except that the close season is now made to extend from the 1st February to the 15th October.

The main provisions which will be new law in the Colony are contained in Clauses 4, 6 and 7 of the Bill.

Clause 4 makes it an offence to kill, wound or take any bird included in Schedule A, which is the class of birds protected throughout the whole year. It also makes it an offence to take or injure any nest or egg of any such bird, or to offer for sale or have in possession any part of any such bird or the nest or eggs of any such bird, or to export the skin, plumage, nest or eggs of any such bird. The offences of offering for sale, having in possession, and exporting will, however, apply only to birds, nests or eggs taken in the Colony after the Commencement of the Ordinance.

Clause 6 makes it an offence to kill, wound or take, or to attempt to kill, wound or take during the close season any bird specified in Schedule B, which is the class of birds protected during the breeding season. It also makes it an offence to take or injure the nests or eggs of such birds, or to have in possession, or to offer for sale, or purchase, or export any such bird, or any part of any such bird, or the nest or eggs of any such bird. The offences of having in possession, offering for sale, purchasing and exporting are confined to the case of birds, nests or eggs taken in the Colony during the close season.

The close season has been altered so as to extend from the 1st February to the 15th October, as it appears that the shorter period fixed under the existing Ordinance is not long enough to include the whole of the breeding season of all the birds which it is desired to protect.

Clause 7 provides that where any person is proceeded against for offering for sale or having in possession or exporting any bird, nest or eggs, the onus of proof that the bird, nest or eggs were taken without the Colony or before the commencement of the Ordinance or otherwise than during the close season, as the case may be, shall be on the defendant.

The penalty for offences against the Ordinance, and for breaches of the conditions of the licence, has been fixed at \$50.

It is also provided that any bird, nest or eggs in respect of which a conviction takes place shall be forfeited.

Power is given to the Governor-in-Council to amend the Schedules in any way, and to alter the close season.

The form of licence to be issued appears in Schedule C to the Bill.

Supplementary Appropriation

THE COLONIAL SECRETARY moved the second reading of the Bill entitled, "An Ordinance to authorize the Appropriation of a Supplementary Sum of Six hundred and seventeen thousand seven hundred and eighty-three dollars and one cent, to defray the Charges of the Year 1913." In doing so he said—The amount for which provision is made in this Bill is a large one, considerably larger than the amount which ordinarily appears in these Bills, but if the schedule is examined it will be seen that this large sum is chiefly accounted for by four items which could not be foreseen when the Estimates for 1913 were prepared. The first two items come under the head of Miscellaneous Services. Loss on subsidiary coin shows an increase of \$161,506, as a much larger number of ten cent pieces have been sent Home to be demonetised than was the case in the previous year. Also, a sum of \$30,248 is included under the same head as compensation to the Low Level Tramway Company on account of the boycott. The third item is typhoon damage, the vote on this account having been exceeded by a sum of \$79,426. The fourth item is a sum of \$167,760 on account of Post Office transit charges. This large sum is due to the fact that the accounts for 1913 included the charges in respect of the mails sent *via* Siberia for the years 1910 and 1911 which had not previously been settled.

THE COLONIAL TREASURER seconded.

HON. MR. HEWETT—Your Excellency, the remarks made by the Colonial Secretary have to a certain extent dealt with one or two of the notes I have made, but there are still one or two points which I would ask to have explained. I find there is a big increase of \$15,000, or rather more, on privileged rate of exchange. I do not quite know what privileged

exchange means, but presumably it is in connection with salaries of Civil Servants, and that being so, it appears to me that we should be furnished with fuller information on the point. The total altogether is \$15,200. Then I would just call attention to one or two other points. On page 4 there is an amount of \$1,700 odd, and lower down on the same page an amount of \$3,585. If I am right in supposing that these are regular charges, it seems to me that the estimates might have been more carefully prepared and then these increases would not have been shown. On page 38, about a third of the way down, there is an increase on Maintenance of City and Hill District, under the heading "Waterworks," of \$28,000. This is a very considerable increase for maintenance, and as no special remarks are put against it, I think it would be interesting to unofficial members if some mention were made with regard to that particular entry. On pages 42 and 44, dealing with the Public Works Department, there are considerable decreases, and against these are put, "Progress slower than anticipated." There, again, either the estimates were prematurely drawn or there has been some unexplained delay which, with regard to public works, is very undesirable. On page 44 there is an estimate for the Yaumati vegetable and fruit market of \$2,000, whereas the actual expenditure was \$8,000. There, again, the vote has been exceeded three times, and I think some more explanation should have been made than that note in the margin. On the Post Office accounts, with regard to the \$167,000 odd, the Colonial Secretary has already referred to that, but I must confess I do not quite understand why the amount should have been held over for such a time. It may be satisfactory to the Government, but I think it would be interesting to know why the accounts were not put forward earlier. Seeing how close things are cut here, it is not satisfactory to be suddenly called upon to pay two lakhs more than were estimated for. Another item which I would ask your Excellency to explain appears on page 48 under the head "Charge on account of Public Debt." The item reads, "Interest at $3\frac{1}{2}$ per cent. on Inscribed Stock, issue of 1893 (£341,800)—£12,000." The estimate was \$130,000 odd, while the actual expenditure was nearly three times that amount, an increase of nearly two lakhs. There is no explanation against that except higher

exchange. I don't quite know what variation of exchange could possibly swell £12,000 from \$130,000 to \$322,688. These are points on which I would ask your Excellency to be kind enough to reply. I do not raise them in any spirit of cavilling, but they are points which it seems to me might have been explained.

HON. MR. POLLOCK—Sir, there are just one or two points I should like to comment on in connection with the White Book dealing with this Bill. At page 20, nearly two-thirds of the way down, there is an item under Medical Department, Hospital, upkeep of X-ray apparatus, for which the estimate is \$240. Then there is put in the side column, \$240 decrease, and a marginal note, "Is not required." But, Sir, on looking through the estimates for 1914, at page 62, I see this \$240 is again budgetted. It does not seem at all clear what is really meant by these two documents combined. I don't know whether this latter document is intended to supersede the estimates for 1914, which were laid on the table in October last year or not, but I must say it seems to me a rather extraordinary thing if the upkeep of X-ray apparatus is not required. I should like, Sir, some explanation to be given with regard to that, as I do not know which is to be taken as the latest statement of policy. Certainly, on the face of things, I should think the upkeep of an X-ray apparatus was a thing that would be required. Again, on page 26 of the draft appropriation account for 1913, I note that there was a vote taken for the removal of ceilings of \$10,000, but that a sum of only \$3,900 odd was spent. That amount of \$10,000 was put in the estimates for 1913 with a note at the foot that it was for a continuous policy for the removal of ceilings as a plague preventive measure. It seems rather curious, therefore, that of this sum of \$10,000 only roughly \$4,000 was spent on the removal of ceilings. I should like some explanation why there was such a shortage of expenditure on that measure, which undoubtedly is a useful measure in connection with plague prevention. My hon. friend who represents the Chamber of Commerce has pointed out with regard to Public Works Extraordinary, buildings, that there has been, in regard to a great many of these works, a considerable shortage in the estimated expenditure, and in addition to the items he has pointed out in that connection I will refer to two on page 40. One is the new

Magistracy on which only \$30,000 was spent in 1913 out of \$40,000 voted. And I would venture to express the hope that the considerable sum which is put in the estimates for 1914 as intended to be spent on the Magistracy, will be spent, and that we shall not again have a similar delay. It is very important, and I am quite sure your Excellency realises it, that this new Magistracy should be promptly finished in order that the valuable property at present occupied by the Magistracy should be available by the Government for disposal at as early a date as is reasonably possible. It is stated in the note that there was some delay in letting the contract, and that a large rock had been met with in excavating the site. I only repeat that I hope matters will be proceeded with so that work will be completed at the new Magistracy by the end of this year. Another item which shows a considerable decrease is that for the quarters for subordinate officers. The estimated expenditure is \$100,000, but there has been an actual expenditure of, roughly, \$70,000, and the only note made on that is that "Less progress was made than was anticipated." These are the only points to which I would refer in addition to the points raised by my hon. friend opposite.

THE COLONIAL SECRETARY—With regard to the remarks of the hon. member who represents the Chamber of Commerce with reference to the amounts put down in the estimates for 1913 for privileged rate of exchange: of course, that concession at the time the estimates were drawn up did not exist. It was approved after the Estimates were completed and could not be estimated. The changes of holders of offices made different amounts payable, and therefore these differences which appear here are merely adjustments to the end of the year. We did not know what the actual rates of pay amounted to, and 80 per cent. is paid at the rate of 1/9. The Director of Public Works will reply to the next question, also to the items on pages 42 and 44. With regard to the item on page 20, \$240 was not required for upkeep of an X-ray apparatus. The new apparatus, I understand, had not arrived, so it was impossible to spend any money on it. With regard to the sum of \$10,000 put in for the removal of ceilings, that was an outside estimate in order to be

on the safe side. Although ceilings are removed, it is not always that compensation has to be paid. They are removed as fast as possible by the staff available, and although a round sum is put down, it does not mean that it is going to be spent, but it saves the Government having to come to the Council to ask for votes for works which have to be carried out very rapidly sometimes.

HIS EXCELLENCY—The expenditure is generally incurred on the recommendation of the Sanitary Board, and I presume they recommended a lesser expenditure.

THE COLONIAL SECRETARY — With regard to the new Magistracy, I would also ask the Director of Public Works to reply, but if the hon. member saw the building he would find that substantial progress had been made and that it was nearing completion.

THE DIRECTOR OF PUBLIC WORKS — With regard to the extra expenditure on the maintenance of the water works, that was due principally to an increased rate of filtration owing to a very large consumption of water. In order to provide for this filtration it was necessary to very frequently wash the filtering medium. With regard to the general remarks that the sums provided for Public Works Extraordinary were not actually expended, I would point out that these estimates of probable expenditure are made well before the commencement of the year; most of the work in my department is done under contract, and therefore the engineers responsible have to estimate what will be the contractors' probable expenditure during the ensuing year. If they do not, an engineer has no remedy provided the contractor completes his contract within the specified time. With regard to the Magistracy, the delay was caused principally by the rock in the foundation, and the progress anticipated was not made for that reason. The contract date for the completion of the Magistracy is the end of this year, and from the appearance of the building and general condition of the work, there is no reason to suppose that it will not be completed by that date.

THE COLONIAL TREASURER — As regards the first item on page 48 under the charge of public debt, there appears to be some

item omitted which makes the dollar figure exceed the sterling amount so largely, as in the case of the other figures the sterling and dollar amounts agree approximately, viz., £28,000—\$283,000. With regard to this item, I cannot say off-hand what it contains in addition to the £12,000, but there is some other item which must be included there. I shall have to refer to the books to make quite certain what it is. As regards the Post Office, I would like to point out that the Post Office accounts invariably are paid at least twelve months in arrear. That would account for a certain amount of delay in the case of the Siberian mail. It has been very difficult in the past to get these accounts settled up to time, because, the service being new, the clerical staffs of the various administrations were not familiar with the work, and that entailed some delay. Also, I might state that it is a difficult matter to bring pressure to bear on foreign administrations to pay their dues. For instance, I would point out that in order to reduce this amount I endeavoured to get the Chinese Post Office to pay a sum of \$40,000, which they owed us and which should have been paid last year. The Chinese Post Office replied that they had some items outstanding against the Navy, and against the G.P.O., London, which had nothing to do with us, but I had to take that excuse. But I think there was a shortage of funds in the Chinese Post Office at the time, and the matter had to stand over till this year.

The motion that the Bill be read a second time was agreed to.

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

On resuming,

THE COLONIAL SECRETARY reported that it had passed through Committee without amendment, and he moved that the Bill be read a third time.

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

HIS EXCELLENCY — Council stands adjourned till this day fortnight.

FINANCE COMMITTEE.

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

Observatory

The Governor recommended the Council to vote a sum of \$1,100 in aid of the vote Royal Observatory, Special Expenditure, New Instruments.

THE CHAIRMAN—This vote, which lapsed last year and is merely a revote, is to enable an improvement of the apparatus at the Royal Observatory to be carried out. The Director of the Observatory reports that the matter is urgent, and the Government considers that it should be carried out this year.

New Territory Buildings

The Governor recommended the Council to vote a sum of \$850 in aid of the vote Public Works, Recurrent, New Territories, Buildings, Maintenance of Buildings—Islands in Southern District.

THE CHAIRMAN — This extra sum now required is due to extensive and unforeseen repairs necessary to Tai O Police Station due to ravages of white ants and dry rot. It is anticipated that this sum will be sufficient to meet all expenses under this head for the remainder of the current year.

Judicial and Legal

The Governor recommended the Council to vote a sum of \$100 in aid of the vote Judicial and Legal Departments, *E.*— Office of Crown Solicitor and Land Registry, Other Charges, Crown Solicitor, Incidental Expenses.

THE CHAIRMAN—This insufficiency is due to a sum of \$99.40, which had to be paid out of a vote last March to the Consul-General at Canton in payment of an account of fees due in connection with the extradition case of Lau Kwong. Therefore the vote has to be supplemented by that amount.

Miscellaneous Works

The Governor recommended the Council to vote a sum of \$528 in aid of the vote Public Works, Extraordinary, Kowloon, Miscellaneous, Miscellaneous Works.

THE CHAIRMAN — The reason why this amount is now asked for is because it was held over owing to compensation on certain land not having been paid due to an estate not having been wound up, and a letter was received from the executors asking for payment to be made to them of any compensation on three lots resumed by the railway. I might explain that the compensation was previously refused; it amounted to \$528 and the executors had now written and accepted this. The Official Administrator had informed the Director of Public Works that letters of administration of the estate had been granted to the executors and that probate duty was paid in respect of this sum. Out of this sum the railway will have to refund to the Government a sum of \$67.

Architects' Commission

The Governor recommended the Council to vote a sum of \$3,545.45, the equivalent of £325, in aid of the vote Public Works, Extraordinary, Hongkong, Buildings, New Law Courts — Balance of Commission to the Consulting Architects for professional services in connection with the erection.

THE CHAIRMAN — This sum of £325 is arrived at now owing to the exact sum on which commission is due to Sir Ashton Webb & Co. having been calculated. The exact sum is \$762,391.11, and the arrangement was a compromise with the architects to pay $3\frac{1}{2}$ per cent. on £75,000. They have already been paid £2,425, and this balance is now due.

Secretary for Chinese Affairs

The Governor recommended the Council to vote a sum of \$250 in aid of the vote Secretariat for Chinese Affairs, Special Expenditure, Safe.

"Tai On" Compensations

The Governor recommended the Council to vote a sum of \$180 in aid of the vote Miscellaneous Services, Compensation to Captain and Officers of steamer *Tai On*, for the loss of personal effects.

THE CHAIRMAN — This amount is for compensation to the carpenter of the *Tai On* who lost all his personal belongings and all his tools. His account as sent in has been carefully scrutinised and it is felt that this sum will be adequate recompense for all his losses.