

27TH AUGUST, 1914.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR F. H. 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. MCL. 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. D. LANDALE.

HON. MR. LAU CHU PAK.

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

Minutes

The minutes of the previous meeting were confirmed.

Paper

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the following paper:— Correspondence relating to the Piracy Prevention Bill and draft Regulations to be made thereunder.

Financial

THE COLONIAL SECRETARY, by command of H.E. the Governor, 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.

Financial Minutes

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Financial Minutes Nos. 43 and 44, and moved that they be referred to the Finance Committee.

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

Amendment of By-laws

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the amendment of by-laws made under section 16 of the Public Health and Buildings Ordinance, 1903, for the prevention and mitigation of epidemic, contagious or infectious disease, and moved that it be approved by the Council.

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

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table an amendment of the by-laws made under section 16 of the Public Health and Buildings Ordinance, 1903, with regard to disinfection of infected premises, and moved that it be approved.

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

Piracy Prevention Ordinance

THE ATTORNEY-GENERAL moved that Council go into committee to consider the Bill entitled "An Ordinance to amend the law relating to the observance of precautions against Piracy."

THE COLONIAL SECRETARY seconded.

His EXCELLENCY—Before we proceed to committee, I think it would be useful if I made a few observations concerning the criticisms upon this Bill received from the Chamber of Commerce. Their letter has been considered and printed, and the conclusions we have arrived at thereon are also printed. Now, a great point was made if the letter of the Chamber of Commerce about the impossibility to carry out those regulations on board coasting steamers, and I would just like to say here publicly—I don't know if it has been made public before—that there is very urgent necessity to take every precaution against piracy on ocean-going steamers trading out of this port. You will remember the *Childar*, which steamer was pirated shortly after leaving here. We know the object of those pirates was one of the Douglas steamers, but they did not carry out their object because the pirate leader, who was entrusted with funds in order to buy a number of passage tickets for the steamer, either embezzled or squandered the money before the time had come to buy the tickets, and not having money to pay for them he took a cheaper line in the *Childar*, and that is the sole reason why the Douglas steamer escaped. We also know that the gang, who had their haunts in Bias bay, which is the bay next to Mirs bay, were so disappointed at the small booty obtained from the *Childar* that they determined to try for still higher game, and pirate one of Messrs. Butterfield & Swire's large ocean steamers running between Hongkong and Shanghai, and I have no doubt they would have attempted to do so if the vigilance of the Hongkong police had not discovered their whereabouts, had not enlisted the aid of the Chinese Authorities, and had not, with their assistance, assisted in bringing to book a number of the ring-leaders of this conspiracy. I would also like to emphasise one other point. The police have established, beyond any manner of doubt, that in all these recent piracies which have given us so much trouble, and in the last one, or attempt, on the *Tai On*, which led to such a deplorable loss of life, each one has been carried out with the connivance of members of the Chinese crew on board the ship. In the *Tai On* case the arms were conveyed on board by a Chinese member of the engine-room staff, a greaser, who got revolvers and other arms on board in half-filled bags of flour. Therefore, the precautions which the Hongkong police take in searching

passengers are nullified because you cannot shadow every single member of a Chinese crew on river and oceangoing steamers: there are always comings and goings while a ship is in port, and I think you will agree that it is absolutely impossible. Therefore, it comes to this: that the only real safeguard against piracy, the only real means of protecting the lives and property on the ship, entrusted to those in command of it, is for the officers to defend the vessel against attacks by pirates who have embarked as passengers, and to enable the officers to put up an effective defence it is absolutely necessary, first of all, to segregate, as far as possible, behind grilles the bulk of the Chinese passengers. In the second place, it is absolutely necessary to prevent access to baggage by the passengers, and thirdly it is absolutely necessary to defend the bridge in such a way that a handful of men, say, two or three of the officers on duty assisted by two or three guards, can hold their own against a determined attack upon them. That policy succeeded admirably, I may say, in the case of the attack on the *Tai On*, but unfortunately the pirates set fire to the vessel. I think, nevertheless, one and all of us are heartily glad that those men did put up that fight — (applause)—and that the pirates got a lesson which they won't readily forget. Now, gentlemen, you will therefore see the reasons why we are unable to accept many of the suggestions made. The search of passengers alone is not a sufficient safeguard. It is absolutely necessary to grille off a large number of passengers, especially third-class passengers. It is absolutely necessary that the baggage of those passengers should be either with them in the grilled space, because if they are in the grilled space it does not matter whether they have access to their baggage or not, but the baggage not in the grilled space must be partitioned off and made inaccessible to every passenger. And also it is absolutely necessary that the officers on whom we place the serious responsibility of defending lives and property entrusted to their care in the ship shall, with their guard, really have a chance to defend, and to have a chance they must be protected by grilles and other contrivances to prevent people clambering on to the upper deck, and by grilling off passengers. I trust the modifications we have made will satisfy those who have criticised the regulations.

We propose to exempt certain vessels. If you look at the memorandum attached to the Colonial Secretary's letter you will see that in clause *a* we propose to exempt certain vessels as long as they do not take up passengers at Hongkong for Canton or ports intermediate between Hongkong and Shanghai. As regard *b*, after further consideration, I may say that we are prepared to be satisfied with four guards instead of six on vessels trading between Hongkong and Kwong Chau Wan in addition to the ports mentioned in *b*. As to *c*, from what I have already said, you will understand why we consider it essential. Regarding *d*, which is the precaution *re* the steering gear, we consider that that may be deleted. You will understand from what I have said why we consider clause *e* necessary. Also, we have made a concession under *f* by which baggage which has been already grilled off from the passengers need not be separately grilled off. A point was made of the inconvenience to passengers caused by grilling off certain alleyways. All I can say is, that inconvenience to passengers cannot be weighed against the great danger to the public if these precautions are not taken.

HON. MR. HEWETT—As I had the privilege of hearing your Excellency discuss this question this morning and the arguments now brought forward before us, it gave me an opportunity, I am very glad to say, to consult with three or four of the leading firms. We still hold to the Chamber of Commerce letter of the 18th of the month, but at the same time realise the arguments from the Government point of view, and we are prepared to accept the terms now put before us. We would only ask your Excellency that if we find under certain conditions that these terms are too onerous or impracticable, you will consider any representation put before you in connection with them. The only point to which I would direct your Excellency's attention is the considerable number of steamers travelling between Hoihow and Tientsin and putting in at various coast ports which carry a large amount of Chinese cargo, and also a certain number of Chinese passengers. It would absolutely debar these ships from carrying Chinese passengers if these very onerous regulations were put upon them. That is to say, a ship may make a voyage from Kwong Chau Wan to Hongkong carrying so many guards and so on for really a 24 hours' section of the journey, and this would simply drive all ships out of the coolie traffic. As we know, a certain number of Chinese must travel backwards and forwards. There are others again

who travel from one coast port to another who purchase goods at one port and ship them to another; that is a regular custom, and the proposal put before me now—I have it in writing here—was considered by three or four shipping companies in Hongkong, and is that if the number of Chinese passengers on board does not exceed 25 or 30, that these regulations should be foregone. Surely the officers and crew of a ship could control 25 or 30 people. They can search their luggage and make sure that they are not dangerous. If you make that exception, we will accept the Bill as it now stands without opposition at all, except to ask your Excellency to consider any representations that may be made with regard to the working of the Bill if we find it too impracticable or too expensive. If you stand solid on the fact that a ship must not carry Chinese passengers unless undergoing this enormous expense, it simply means driving these shipping companies out of the coolie trade and forming a monopoly of one or two lines.

HIS EXCELLENCY—What do you mean by a ship carrying only 25 passengers?

HON. MR. HEWETT—A steamer going from Hoihow *via* Hongkong to Tientsin may not have more than 25 Chinese passengers aboard, and does not require wire entanglements and so on.

HIS EXCELLENCY—On the next voyage she may have 300 or 400.

HON. MR. HEWETT—If she carries over a limited number, then, of course, she comes under these regulations of the Ordinance and must take all precautions. I can assure your Excellency there is a large amount of cargo shipped up and down the coast by men who travel from one port to another, to buy and sell cargo and ship it from one port to another. The maximum number of passengers for which the shipping companies ask exemption is 25 to 30. Surely any ship's company could account for a couple of dozen Chinese pirates; if they happened to be pirates!

HIS EXCELLENCY—Under section 20 the Governor-in-Council has power to exempt. I think that will be the best way to deal with the

class of vessel you mention. Of course, as indicated in *a* of the memorandum, we recognise there is a class of ship which trades between Tientsin and Canton and which does not carry a dangerous class of passengers; she does not pick up passengers in Hongkong. Very few travel from Hongkong to Canton by these boats, and they do not take many passengers from here to the north.

HON. MR. HEWETT—If you accept that point we are quite satisfied.

HIS EXCELLENCY—You mean that we deal with each ship on its merits? We don't like to tie ourselves down.

HON. MR. HEWETT — That is quite acceptable to us.

HON. MR. LANDALE—Clause *f* of the memorandum reads, "It is agreed that deck cargo carried in a space partitioned off by grilles for passengers does not require to be itself separately partitioned off." There are no restrictions on carrying deck cargo amongst the passengers?

HIS EXCELLENCY—No.

The motion that Council go into committee on the Bill was agreed to.

On Clause 4,

HON. MR. HEWETT—With regard to that, the objection is in the words referring to the limits of the harbour of Hongkong. There is a regular passenger service between Hongkong and Shauiwan and Hongkong and Aberdeen, and they run outside the limits of the harbour.

THE ATTORNEY-GENERAL—The present regulations require such launches to comply with certain regulations drawn up by the Captain Superintendent of Police, and the new regulations are founded on those.

HON. MR. HEWETT—The passenger trade between Hongkong and Aberdeen and Hongkong and Shauiwan is going on all day.

HIS EXCELLENCY—Under the existing law launches are obliged to take certain precautions. On page 5 you will see a reference to launches outside the harbour limits.

HON. MR. HEWETT—If you enforce this they will have to have armed guards and all sorts of things.

THE ATTORNEY-GENERAL—Not if they ply only within the local trade limits.

HON. MR. HEWETT—Within the limits of the harbour of Hongkong?

THE ATTORNEY-GENERAL — This clause does not apply to that.

HON. MR. HEWETT—It does apply. You have no saving clause for launches running outside the harbour limits.

THE ATTORNEY-GENERAL — They are not meant to be exempt. They are not exempt under the present regulations.

HON. MR. HEWETT — The present regulations are not so exacting. The new regulations are very exacting. Say that the ferry service to Aberdeen or Shauiwan was not deemed to come within the provisions of section 4, then they would have to put up the same wire entanglements.

THE ATTORNEY-GENERAL—No.

HIS EXCELLENCY — Look at the regulations on page 5.

HON. MR. HEWETT—This paper has been thrown before us at a moment's notice, and we have not had time to study it.

HIS EXCELLENCY—Look at clause 5 as to a launch plying within the local trade limits. That is all she has got to do.

HON. MR. HEWETT—As long as it covers the ferry launches, all right.

HIS EXCELLENCY — There is really nothing new about launches in this. We are merely carrying out the existing practice.

The clause was agreed to.

At the request of the Hon. Mr. Hewett the Clerk of Councils proceeded to read each clause of the Bill *in extenso*.

When clause 9 was reached,

HON. MR. POLLOCK — I don't know whether my friend opposite requires us to go on reading the Bill in full.

HON. MR. HEWETT—It is a new print.

HON. MR. POLLOCK—The only new print will be seen by italics in the margins, and certain deletions in brackets.

HON. MR. HEWETT—I think the Bill is so important that it should be read in full.

HIS EXCELLENCY THE GENERAL — The Bill has been before us a long time.

HON. MR. HEWETT—I shall oppose the summary reading of the Bill. I don't want to be obstructive, and if the Council are against me I will let it go, but the Bill is so important and new regulations are before us, and I think it should be read.

HIS EXCELLENCY — You had the regulations last time.

HON. MR. HEWETT—I only got a copy of the new regulations last night. I had not seen the new print of the Bill until I came into this room, and I don't know what alterations may have been made in consequence of the representations of the Chamber of Commerce. But if the majority of the Council think it is a waste of time, and would rather have the Bill read by the heading of the paragraphs, I do not oppose the point.

HIS EXCELLENCY—Regulations, I may point out, are made by the Governor-in-Council and are only laid here for the information of members so that they may have an opportunity of considering them.

HON. MR. HEWETT—I wanted to know how far this Bill met the request of the Chamber of Commerce.

HIS EXCELLENCY—The objections of the Chamber of Commerce are to the regulations, not to the Bill.

HON. MR. HEWETT—We wanted to know how far the Bill carried out our recommendations.

HIS EXCELLENCY — Your recommendations did not involve any amendment to the Bill.

HON. MR. HEWETT—Very well, I don't press it.

HIS EXCELLENCY — We will read the marginal notes.

On Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee, and moved that it be read a third time.

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

HIS EXCELLENCY—Council will adjourn *sine die*.

FINANCE COMMITTEE.

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

Volunteers

The Governor recommended the Council to vote a sum of two thousand five hundred and sixty-seven dollars and sixty-seven cents (\$2,567.67) in aid of the vote Military Expenditure, *B*.—Volunteers, Other Charges, Camp Expenses.

This was agreed to.

Miscellaneous

The Governor recommended the Council to vote a sum of four thousand dollars (\$4,000) in aid of the vote Public Works, Extraordinary, New Territories, Miscellaneous, Miscellaneous Works.

This was agreed to.