

4TH OCTOBER, 1917.

**PRESENT:—**

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

HIS EXCELLENCY MAJOR-GENERAL F. VENTRIS (General Officer Commanding Troops in China).

HON. MR. CLAUD SEVERN, C.M.G. (Colonial Secretary).

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

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

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

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

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

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

HON. MR. LAU CHU PAK.

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

HON. MR. R. G. SHEWAN.

HON. MR. C. E. ANTON.

HON. MR. S. H. DODWELL.

MR. A. G. M. FLETCHER (Clerk of Councils).

**Financial**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Financial Minutes Nos. 50 to 61, and moved that they be referred to the Finance Committee.

THE COLONIAL TREASURER seconded, and this was agreed to.

**Finance Minutes**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table report of the proceedings of the Finance Committee, No. 10, and

moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

**Paper**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Sessional Paper No. 16—correspondence relating to the Rating (Special War Rate) Ordinance, 1917.

**Boarding House Ordinance, 1917**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to provide for the licensing and control of places where persons are lodged for hire."

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

The "Objects and Reasons" state:—

The general object of the bill is to provide powers for the licensing and better control of hotels, boarding houses and all places where persons are lodged for hire. These are all included in the bill under the generic term "boarding house."

The various kinds of "boarding house," as defined in the bill, over which a certain amount of control is exercised at present may be classified as follows:—

- (1) European hotels.
- (2) European restaurants.
- (3) Chinese hotels.
- (4) Chinese restaurants.
- (5) Chinese eating houses.
- (6) Boarding houses where assisted emigrants may be lodged.
- (7) Seamen's boarding houses for non-Chinese.
- (8) Common lodging houses.

The 1st, 2nd, 4th and 5th classes are licensed under the Liquors Consolidation Ordinance, 1911, the objects of the provisions under which they are licensed being (a) the control of the trade in liquor and (b) revenue considerations. The 6th class is licensed under the Asiatic Emigration Ordinance, 1911, and the object is to secure compliance

with the law relating to emigration. The 3rd class is licensed under the latter Ordinance and also sometimes under the Liquors Consolidation Ordinance, 1911. The 7th class is licensed under the Merchant Shipping Ordinance, 1899, the object being to secure the welfare of seamen. The 8th class is registered under the Public Health and Buildings Ordinance, 1903, and the object is to ensure proper sanitary conditions.

An examination of the above statement of the existing machinery discloses at least two defects in the system.

One is that there is no really appropriate form of licence or registration for Chinese hotels and boarding houses which neither sell liquors nor supply meals to non-residents, though as a matter of fact Chinese restaurant licences have been issued to such places.

The other is that licensing under the Asiatic Emigration Ordinance, 1915, is not wholly suitable for the better class of Chinese hotels, as the objects of that Ordinance are confined to preventing abuses with regard to the treatment of emigrants.

The draft rules published with this bill deal with the above points and will place on a more satisfactory footing the control of such Chinese "boarding houses" as fall within the scope of the rules.

Other classes of "boarding house" may be dealt with under subsequent rules if it appears desirable to do so.

#### **Liquors Ordinance, 1917**

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

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

The "Objects and Reasons" state:

The main object of this bill is to prohibit the sale, except for cash, of intoxicating liquors to be consumed on any licensed premises, unless such sale is to a resident at an hotel, or is of liquor to be consumed at a *bonâ fide* meal at an hotel or restaurant.

The opportunity is taken to make two slight changes in the provisions of the principal Ordinance relating to import and export statements. One is to provide that import and export statements relating to intoxicating liquor must be on a separate form from all other returns so that it will not be possible to require the Superintendent laboriously to collect the necessary particulars from the ship's manifests which are furnished to him under a different Ordinance and for an entirely different purpose. Another change is the insertion of a provision requiring the furnishing of *nil* returns, *i.e.*, returns to the effect that no liquor has been imported or exported on the ship in question, to be used in cases where no such importation or exportation has taken place. At present the obligation is to furnish returns where liquor has been imported or exported. These alterations will not really throw any fresh burden on ship owners, as it is already the general practice to furnish liquor returns on a separate form and to furnish *nil* returns. The bill provides special forms for these returns.

The opportunity is also taken to repeal certain provisions in the Liquors Consolidation Ordinance, 1911, requiring the publication in Chinese of all regulations relating to dealers' licences, Chinese restaurant licences and brewery licences. These provisions are considered unnecessary.

#### **Deportation Ordinance, 1917**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to consolidate and amend the law relating to the deportation of undesirable persons."

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

#### **Legal Proceedings Against Enemies**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to facilitate Legal Proceedings against enemies in certain cases." In doing so he said:—This Bill is founded on the Legal Proceedings against Enemies Act, 1915, of the Imperial Parliament. The object of the Bill is to enable a British subject to obtain, as against an enemy defendant, a declaration from the court as to the

effect of the present war on a contract entered into between the plaintiff and defendant before the outbreak of the war. It also provides for the service on the enemy defendant of notice of proceedings taken under the Ordinance. This Bill will remove all doubts as to the power of the court to make such declaration in a case coming under the Ordinance, and it will also enable service to be effected in some cases where, under the existing law, it could not be effected. One criticism levelled at the English Act is that it only enables a plaintiff to obtain a declaration and does not assist him in enforcing his rights against the enemy defendant during the war. That is so, of course. At the same time it may be of very great advantage to a party to a contract to know what his position in law is, even though, for the moment, he may not be able to recover from the other party what is due to him. I do not think it would be possible to carry relief any further, nor do I think it would be possible to give any further measure of relief than that given by the English Act.

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

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

The Bill passed through Committee without amendment, and, on Council resuming,

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

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

Council then adjourned until Thursday, October 11th.

#### FINANCE COMMITTEE.

A meeting of the Finance Committee followed, the COLONIAL SECRETARY presiding.

#### **Imports and Exports Department**

The Governor recommended the Council to vote a sum of one hundred and twenty-three dollars in aid of the vote Imports and Exports Department, Other Charges, Factory: Rent.

THE CHAIRMAN—It was discovered that the rent formerly paid was calculated by Chinese months.

When the Government took over the factory it was decided that the rent should remain unchanged. Payment, however, was always made according to the English calendar and at the end of the current year the owner had lost  $\frac{1}{2}$  months' rent. The amount to be paid was  $\frac{1}{2}$  months' rent at \$64 a month, equalling \$96 and 7 per cent. war rate on the rent for six months equalling \$27, making a total of \$123.

The vote was agreed to.

#### **Victoria Gaol**

The Governor recommended the Council to vote a sum of seven thousand dollars in aid of the vote Public Works Extraordinary, Hongkong, Miscellaneous, (14) Victoria Gaol, Constructing concrete platform over lower yard.

THE CHAIRMAN—When the estimate was made to carry out this work in Victoria Gaol it was not realised that the design of the work would not fit in exactly with the gaol administration. A report on the matter stated that the carrying out of the work to cover over the lower yard of the gaol was interfering with the laundry arrangements, and as these were of a primitive character it was advisable that improvements should be effected to meet the requirements of the new work. The pillars supporting the platform have also been altered.

The vote was agreed to.

#### **Sham Sui Po**

The Governor recommended the Council to vote a sum of eight thousand three hundred dollars in aid of the vote Public Works Extraordinary, New Territories, Drainage, (47) Miscellaneous Drainage Works.

THE CHAIRMAN—The town of Sham Sui Po is extending very rapidly and it is desirable to put in drainage to accommodate the new buildings that are going up. The least that could be done would cost \$4,600, but the buildings are being erected so fast that the Director of Public Works recommends that a more extended plan of drains should be put in at once, costing \$8,300.

The vote was agreed to.

### Victoria Gaol

The Governor recommended the Council to vote a sum of nine hundred dollars in aid of the vote Public Works Extraordinary, Hongkong, Miscellaneous, Victoria Gaol, Installation of trough-closets within the lower yard.

THE CHAIRMAN—There is a scheme in the estimates for 1918 which will be laid before you at the next meeting for establishing trough closets in Victoria Gaol, but in order to avoid breaking up the floor of the lower yard twice it is desirable to carry part of this scheme into effect this year. The amount of work that should be done this year will cost \$900.

The vote was agreed to.

### Military Expenditure

The Governor recommended the Council to vote a sum of six hundred and forty-four dollars in aid of the vote Military Expenditure, *B.* — Defence Corps, Personal Emoluments.

THE CHAIRMAN—This sum is in connection with the new Defence Corps. It will be applied to the payment of \$50 a month each to the officers commanding the Artillery Company and the Engineers' Company and an additional \$2 a day to the Adjutant from September 1st to the end of the year, a period of four months.

The vote was agreed to.

### Bathing Places

The Governor recommended the Council to vote a sum of eighty dollars in aid of the vote Miscellaneous Services, Bathing Places, North Point and Kennedy Town.

THE CHAIRMAN—This is to provide the wages of four extra watchmen, two at North Point and two at Kennedy Town from September 11th to October 11th, in order that one may always be in a boat during the hours of daylight.

The vote was agreed to.

### Kowloon Drainage

The Governor recommended the Council to vote a sum of two thousand five hundred dollars in aid of the

vote Public Works Extraordinary, Kowloon, Drainage, (37) Miscellaneous Drainage Works.

THE CHAIRMAN—Certain alterations have been necessary in the programme laid down for these drainage works. There will be a deficiency of \$1,000 for the work at the Pumping Station and further sums of \$600 and \$700 are required for the extension of drains to buildings nearly complete and the laying down of sewers. The amount actually required is \$2,300. A sum of \$2,500 is asked for in order to cover any other unforeseen work.

The vote was agreed to.

### Refuse Lighter

The Governor recommended the Council to vote a sum of eight thousand eight hundred and twenty dollars in aid of the vote Sanitary Department, Special Expenditure, New Motor Refuse Lighter.

THE CHAIRMAN—It was originally proposed to get a motor refuse lighter for the Sanitary Department. Since then, however, the price of motor engines has risen enormously and it is quite impossible to build a suitable vessel for the sum provided in the estimates. It has, therefore, been agreed that it will be better to revert to steam. Plans for a steam vessel were drawn up and the successful tenderers were Messrs. Kwan Hip Loong & Co., their price being \$43,820. Only \$35,000 is provided in the estimates and the extra sum of \$8,820 is required.

The vote was agreed to.

### Widening of Fanling-Castle Peak Road

The Governor recommended the Council to vote a sum of two thousand four hundred and fifty dollars in aid of the vote, Public Works Extraordinary, New Territories, Communications, (45) Roads:—

(c) Fanling to Castle Peak,— Widening to 20' the existing road from San Tin to Au Tau .....	\$1,600.00
(d) Fanling to Castle Peak,— Widening to 16' the existing road between Au Tau and Shui Pin.....	850.00
	Total .....
	\$2,450.00

THE CHAIRMAN—The widening is completed from Fanling to Shui Pin. The estimated cost has been slightly exceeded, as it was found necessary to re-surface practically all the old part of the roadway in addition to widening.

The vote was agreed to.

The Governor recommended the Council to vote a sum of ten thousand dollars in aid of the vote Public Works Extraordinary, New Territories, Communications, Roads, Widening of the Fanling-Castle Peak Road, from Shui Pin to Castle Peak.

THE CHAIRMAN—As the labour is available, and as the first part of the work has been completed, it has been thought advisable to start this part of the work at once and to spend \$10,000 this year and the balance next year. The total cost will be \$35,000.

The vote was agreed to.

#### **Opium Boilers**

The Governor recommended the Council to vote a sum of three hundred and eighty dollars in aid of the vote Imports and Exports Department, Personal Emoluments.

THE CHAIRMAN—The salaries of the opium boilers were revised some months ago. The opium waste was regarded formerly as the perquisite of the boilers. That has been changed and the salaries raised to make up for this perquisite. The money asked for is required to pay this increase.

The vote was agreed to.

#### **Island House at Taipo**

The Governor recommended the Council to vote a sum of two hundred and twenty dollars in aid of the vote District Office, North, Improvements to the grounds of the Island House at Taipo.

THE CHAIRMAN—Both the former District Officer and the present officer are very keen and efficient gardeners and the present officer took in hand the improvement of the grounds with Government sanction at a cost of \$120. He found afterwards that he had gone rather beyond that sum and had spent \$220. The improvement effected has been considerable and it is considered that the Government might pay the whole amount.

The vote was agreed to.