

23RD MAY, 1918.

**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. A. M. THOMSON (Colonial Treasurer).

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

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

HON. MR. MC.I. MESSER (Captain Superintendent of Police).

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

HON. MR. E. SHELLIM

HON. MR. D. LANDALE.

HON. MR. LAU CHU PAK.

HON. MR. P. H. HOLYOAK.

HON. MR. HO FOOK.

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

**Papers**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table the Hongkong Jurors' List for 1918, the quarterly returns of excesses on subheads met by savings under heads of expenditure for the fourth quarter of 1917 and the first quarter of 1918, reports of the Harbour Master, the Director of the Royal Observatory, and of the Registrar of the Supreme Court, Hongkong, for the year 1917, report on the Hongkong Blue Book for 1917, and a copy of a despatch from the Secretary of State for the Colonies, together with a copy of the telegram from the Governor-General of Canada, acknowledging Hongkong's contribution of £10,000 for the

relief of sufferers in the Halifax disaster.

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table the financial returns for the year 1917, and the report on the finances for the year 1917, and, in doing so, said:—Sir, in your address to the Council last October you estimated that the revenue for 1917 would amount to \$14,257,330. That sum was actually exceeded by \$800,000, the total revenue being \$15,058,105, by far the largest sum ever raised in this Colony. Of this total the Special War Rate which was in force for half the year brought in a sum of \$505,000. This was paid over to His Majesty's Government for war purposes. The other increases are shown in paragraph 2 of the report. Although the expenditure for the year exceeded the estimate by a sum of \$1,694,673, the excess is more than accounted for by the gifts to His Majesty's Government of \$2,000,000, and \$505,000—the amount of the Special War Rate. There was actually a considerable saving in most departments and the high rate of exchange led to a large decrease in the amount required for sterling payments. In October last it was estimated that the balance of Assets over Liabilities on the 31st Dec., 1917, would be \$2,867,945. It was actually \$3,268,061.

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table Sessional paper 4 — Extracts from Treasury minutes dated 31st December, 1917, and 9th January, 1918, and asked, at the same time, that the heading "Hongkong War Rate" should be struck out of the paper. The first Treasury minute referred to the loan and to the contribution from the Colony's revenue for Imperial war purposes. The second minute related to the Special War Rate.

**Finance**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Financial Minutes Nos. 9 to 24, and moved that they be referred to the Finance Committee.

THE COLONIAL TREASURER seconded, and this was agreed to.

THE COLONIAL SECRETARY, by command of H.E. the Governor, also laid upon the table the report of the proceedings of Finance Committee, No. 1, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

#### **Public Safety at Places of Amusement**

THE HON. MR. LAU CHU PAK asked:— Will the Government make arrangements to have all the permanent public places of amusement periodically examined as to their stability, and the adequacy or otherwise of the provision of fire-exits and fire-extinguishing appliances?

Will the Government state what conditions they propose to impose to ensure the safety of the public in the case of temporary structures used as public places of amusement?

*Answers:*—1. Regulations are already in force under Section 6 of the Theatres Ordinance, 1908, which will be found on pages 804 to 812 of the Regulations of Hongkong, and no revision of these is considered necessary.

2. The condition on which permits for such structures will be issued in future are being revised with a view to ensuring the safety of the public.

#### **Hospital Accommodation**

THE HON. MR. P. H. HOLYOAK asked: When did the Victoria Hospital on Barker Road cease taking in maternity cases? and for what reason was this decision come to?

*Answer:*—Maternity cases were not taken in at the Victoria Hospital after the completion of the maternity bungalow at the Civil Hospital. This was about October, 1912. The reason for this decision was because it is considered undesirable to put maternity cases in a general hospital.

How many infectious cases of disease have been taken into this Hospital during the fortnight ending March 9th?

*Answer:*—Four cases of measles and one of chicken-pox were admitted between February 21st and March 9th and 10 cases of measles and one of chicken-pox were admitted in the

previous fortnight.

Why are infectious cases imported into an area which was previously free from infectious diseases?

*Answer:*—Cases of measles have always been received into the Victoria Hospital. It is considered that it is better to treat such cases in a hospital than in schools and private houses scattered about the Colony.

How many cases of Measles have been taken into the Victoria Hospital during the past 3 weeks and how many of these emanated from Kowloon?

*Answer:*—The number of cases of measles received into the Victoria Hospital between February 25th and March 9th was 5, none of which were from Kowloon, but from January 30th to April 29th 12 cases of measles were received from Kowloon.

Are such diseases as Measles, Diphtheria, Scarlet-Fever, etc., "notified" diseases? and if not, will the Government take immediate steps to make them so?

*Answer:*—Measles is not at present a notifiable disease. It has not been made notifiable by most of the large towns in the United Kingdom. Diphtheria and scarlet fever, enteric fever, plague, cerebro spinal-meningitis, small-pox, typhus, relapsing fever, paratyphoid, puerperal fever are notifiable.

Will the Government provide in the next Estimates for increasing materially the size of Victoria Hospital?

- (a) Sell a portion of the present site of the "Government Civil Hospital" and with the proceeds erect:—
- (b) A Hospital for Europeans in the Central district of Hongkong?
- (c) A Branch Hospital for Europeans in Kowloon?
- (d) Improve the present Lunatic Asylum?

*Answer:*— The Government does not propose at present to make provision at the Victoria Hospital for maternity cases by an extension of the building.

- (a) It is not considered desirable to sell any portion of the site of the Government Civil Hospital.
- (b) and (c) The Government considers that it is premature to consider these questions.

(d) The term "Lunatic Asylum" connotes, in its ordinary sense, a benevolent institution affording shelter and support to insane persons, a place of refuge in which such persons are subject to curative treatment, and, if incurable, spend their lives. The Hongkong Lunatic Asylum is not an institution of this nature. It is a house of temporary detention where insane persons are lodged pending steps for their repatriation, which steps are invariably taken at the earliest possible moment. It is true that during the war the repatriation of European lunatics is practically impossible; but only three patients are being detained owing to this cause, and the utmost is done to make the detention as little irksome as possible. Sir F. Lugard visited the Asylum officially in January, 1912, in company with the late Mr. Hewett and Mr. Osborne, Unofficial Members of the Legislative Council. These gentlemen concurred:— (i) As to European patients that, viewed only as a place of detention, the existing quarters would fulfil their object, subject to certain minor improvements suggested; and that, in view of the great cost involved and the paucity of patients, it would be unnecessary to consider the question of erecting a new Asylum. (ii) As regards Chinese patients that, since they were merely temporary inmates awaiting transfer to Canton, the quarters were all that was necessary or desirable.

It is considered that no sufficient grounds exist for reconsidering the decision then arrived at. The Principal Civil Medical Officer has, however, suggested certain alterations which would improve the existing accommodation, and the Director of Public Works is preparing a report on the subject.

### **The Post Office and Bank Holidays**

THE HON. MR. P. H. HOLYOAK asked:— Will the Government give instructions that the General Post Office shall remain open on all Bank holidays, other than Christmas Day and China New Year's day, until 12 o'clock noon for the despatch of mails?

*Answer:*— Instructions have been issued accordingly, in respect of all general holidays other than Sundays, Christmas Day, and China New Year's Day, if an outward mail for Europe, America, India, or Australia is leaving on the day in question.

HON. MR. HOLYOAK—Arising out of the answers to my questions, I should like to ask, in the first place, whether it is not possible for questions put by members of Council to be answered a little more speedily than in the present case. These questions were first asked by me on March 12th; they were amended on March 22nd; and the answers have been given on May 23rd. The questions are of public importance and should have been answered, I submit, a little more speedily. The answer given to my fifth question is incomplete. I asked if measles was not a notifiable disease, whether the Government would take immediate steps to make it so. That question has not been answered. With reference to the answer to my question in connection with the Lunatic Asylum, I should like to ask whether it is not a fact that for many years there has been a European case confined within those walls which, it is quite rightly held, is not a proper place for such cases? This is not a fitting moment to debate the question, but I propose to take it up further later on.

H.E. THE GOVERNOR—I am sorry there has been such delay in holding the meeting of this Council. I plead in excuse the extreme pressure of work in the Attorney-General's office. We could have answered some of the questions if a meeting had been held earlier and I will see that no such long interval occurs again. I notice in the questions that have been answered that question No. 5 of the hon. member representing the Chamber of Commerce has not been definitely answered. The fact is that the matter was referred to the Sanitary Board and—I think I am correct in my recollection—the Board could not make up its mind whether measles should be made notifiable or not. On present advice I do not think there is any necessity to make it notifiable. As has been mentioned, it is not, as a rule, notifiable in England. With reference to the hon. member's remarks on the Lunatic Asylum I think he refers to an American lady  
w h o h a s b e e n

confined there for a very long time. We have made repeated and unavailing efforts to send that lady to the place where we think she properly belongs— America—but there has been difficulty about establishing nationality.

### The Race Course Disaster

THE HON. MR. H. E. POLLOCK, K.C., asked:—In connection with the recent disaster at the Racecourse, which resulted in the death of over 570 persons,

- (i) Is it the fact that the Coroner, near the close of his charge to the Jury, said as follows:—
- "It would appear that this calamity was one which could most probably have been prevented by the exercise of foresight, and foresight which one might have reasonably expected before the event and which one certainly found it easy to expect after the event."
- (ii) Is it the fact that the Jury, in their findings, specified certain neglects and omissions of duty on the part of the Public Works Department and the Police Department?
- (iii) Is it the fact that the Jury recommended the making and enforcement by the Government of certain classes of regulations for the purpose of minimizing, so far as possible, the risk of a future recurrence of such a disaster?

If the answer to the last question is in the affirmative will the Government take early steps to pass the necessary Regulations, and, in the framing of such Regulations, will the Government take especial care to enact that certain definite Officials in the Government Service shall be personally responsible for seeing that such Regulations are carried out?

Will the Government also direct the early revision and the enforcement of all Regulations relating to the stability and construction of and overcrowding in, and fire precautions in, theatres and other places (including matsheds) of public entertainment?

*Answers:—(i), (ii) and (iii).—The answers are in the affirmative.*

*Answers:—2 and 3.—Regulations already exist under Ordinance No. 10 of 1908 in respect of performances held in both*

permanent and temporary buildings the revision of which regulations is not considered necessary. As regards matshed structures other than those used for performances mentioned in the Ordinance the conditions upon which permits will be issued in future are being revised and further conditions will be added with a view to preventing as far as possible loss of life from fire, without undue interference with the social life of the Chinese community.

The Government is not prepared to undertake the responsibility for the stability of either permanent or temporary structures which are not its property, nor of matshed theatres and other structure which are erected constantly all over the Colony by private individuals.

Will the Government state whether any, and, if so, what Regulations exist for the inspection and testing of lifts in buildings? If there are no such Regulations, will the Government introduce such Regulations?

*Answer:—There are no regulations. The matter is under consideration.*

HON. MR. POLLOCK—Sir, arising out of the answer to question two, no answer has been given to the suggestion put forward that the Government should take especial care to enact that certain definite officials in the Government Service shall be personally responsible for seeing that such regulations are carried out. That, Sir, was obviously a very important, integral part of that question. I do not know why it was not answered.

THE COLONIAL SECRETARY—Are you referring to permanent buildings?

HON. MR. POLLOCK—I am referring to all the points covered by question two.

THE COLONIAL SECRETARY — The answer is that regulations already exist for permanent buildings. There was some doubt as to whether the question referred to permanent buildings or matsheds.

HON. MR. POLLOCK—It was referring to all matters dealt with in question one — matters connected with the Race Course disaster. Of course, I am assuming the Government has read the findings of the jury on this subject.

H.E. THE GOVERNOR—I think I am right in saying generally that these structures are provided for under the Regulations. The Director of Public Works is principally responsible for carrying out those regulations. With regard to matsheds, we are framing reasonable regulations, but in dealing with these structures in the rural districts—I dare say the hon. member who put the question has seen these large village theatres all over the place—we are not prepared, nor is it possible, to send officers of the Fire Brigade and Police, and so forth to prevent overcrowding and to extinguish fires; if fire unfortunately arose, we could not do it. We do what can reasonably be expected of us. I will say at once that the Race Course disaster was most regrettable, and I admit that in this case precautions might have been, and should have been, taken. I blame myself as regards the non-provision of fire precautions, because I was head of the Police here for nine years and I never anticipated a fire in these matsheds. But it is no use getting into a panic about matsheds generally. I have had a good deal of trouble over this subject. The Director of Public Works refused absolutely to issue any more permits for any matsheds anywhere unless he was satisfied regarding them, and he would have to have a very large staff to do that. All sorts of conundrums have arisen out of that enquiry. The C.P.O., also, became very obstructive and said he could not have anything to do with these matsheds except he had all sorts of appliances for extinguishing fire. Hongkong is going on. It will go on more or less on the lines that it has been going on, and I think if you take up an impracticable attitude regarding matsheds you will land yourselves in very serious trouble. I do not think the Chinese members will be able to support any very drastic measure under this head. The principal thing in village matsheds is to see that there is any amount of room to escape if anything does happen and to see that they are only one storey high—they are never more than that now—and that no cooking, and uses of that sort are allowed. That is all we can do in rural districts. I hope that statement will satisfy the hon. member.

HON. MR. POLLOCK—With deference, Sir, the statement does not satisfy me at all. I think it is very necessary that Regulations passed

should put certain definite responsibility on certain definite officials in the Government Service. Otherwise the matter remains very much at large and the responsibility may be so divided that no definite person can be held liable for a disaster like the recent one. That is not a state of affairs it is desirable to perpetuate, and for that reason I think the findings of the jury who sat upon this case—I think for twenty days—should be seriously taken into consideration by the Government, and it seems a necessary corollary to their findings and to the remarks of the Coroner that, in the event of a future disaster of such character occurring, some definite official should be held responsible in respect to certain definite matters such as either the stability of the structure, or the provision of adequate exits and fire appliances. I think it is necessary that steps should be taken for the future and it seems to me that is a matter in which the public are directly interested. It is no good, Sir, having general responsibility thrown over a body like the Civil Service of Hongkong. We want to bring it down to a definite point so it may be known that certain officials have the responsibility of seeing the Regulations are enforced, as to the proper provision of exits and the stability of the structures and so on. Until that is done we shall not arrive at a satisfactory state of affairs. In the case of these particular matsheds at the Race Course the Government derived considerable revenue from their use, and it is only reasonable that the Government should take measures, and that certain officials in the Government Service should be responsible for the measures taken, to prevent as far as humanly possible a recurrence of the disaster.

H.E. THE GOVERNOR—Do you mean the Race Course?

HON. MR. POLLOCK—Yes.

H.E. THE GOVERNOR—There will never be any more matsheds there. I think I may state that.

HON. MR. POLLOCK—With reference to my question No. 2, I think, also, the question is taken up with regard to theatres and places of public amusement elsewhere. I think it is very desirable that some definite responsibility should be put on a definite officer.

H.E. THE GOVERNOR—When the revised conditions which we propose to adopt for the issue of permits to matsheds are framed I will lay them on the table of the Legislative Council for the information of members.

**Bills of Exchange (Time of Noting) Ordinance, 1918**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Bills of Exchange Ordinance, 1885."

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

The "Objects and Reasons" state:—

The object of this Bill is to introduce here the provisions of the United Kingdom Bills of Exchange (Time of Noting) Act, 1917, which enables a Bill to be noted for non-acceptance or non-payment on the next business day after the day of its dishonour. Inconvenience often arises from the present state of the law on this point, which requires the Bill to be noted on the day of its dishonour.

**Claims Against Enemies Ordinance, 1918**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled "An Ordinance to require certain returns to be made to the Custodian of Enemy Property."

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

The "Objects and Reasons" state:—

(1.)—Under the existing law the following returns have to be made to the Custodian of Enemy Property:—

- (a)—Every person in the Colony who holds or manages any property for an enemy must make a return of such property: *see* Ordinance No. 22 of 1915, s. 5 (1).
- (b)—The above provision has been declared to apply to bank balances and deposits held for enemies, and to all debts of \$500 or upward: *see* Ordinance No. 28 of 1915, s. 6 (1).
- (c)—Every company which was incorporated in the Colony, or which has a share transfer office in the Colony, must make a return of all shares, etc., of the company which are held by or for an enemy: *see* Ordinance No. 22 of 1915, s.

5 (2).

- (d)—Every partner of every firm, a partner of which became an enemy on the outbreak of war, or to which money had been lent by a person who so became an enemy, must make a return of all profits and interest due to such enemy: *see* Ordinance No. 22 of 1915, s. 5 (2).

(2.)—The following payments have to be made to the Custodian of Enemy Property:—

- (a)—Any sum which would have been payable to an enemy by any person, firm, or company, by way of dividends, interest, or share of dividends, interest, or share of profits: *see* Ordinance No. 22 of 1915, s. 4 (1).
- (b)—Any sum which would have been payable to an enemy in respect of interest on securities issued by any government, British or foreign, or any corporation other than a company, or municipal or other authority, within or without the colony: *see* Ordinance No. 28 of 1915, s. 5 (1) (a).
- (c)—Any sum which would have been payable to an enemy by way of payment off of any such securities, or of any securities issued by any company: *see* Ordinance No. 28 of 1915, s. 5 (1) (b).

(3.)—The Custodian has hitherto been prepared to receive also the following voluntary returns:—

- (a)—Particulars of debts, including bank balances and deposits, due from enemies, including persons in territory in hostile occupation.
- (b)—Particulars of property other than debts held by enemies, including persons in territory in hostile occupation.
- (c)—Particulars of luggage detained in enemy countries, including territory in hostile occupation.

(4.)—His Majesty's Government now consider it of great importance that full information should be obtained with regard to these matters which hitherto have been the subject of merely voluntary returns. This Bill therefore makes the following returns compulsory:—

- (a)—Returns of all property of every description whatsoever in enemy territory or in territory in hostile occupation, or of any interest in any such property, to which any person in the Colony is entitled.

(b)—Returns of all claims against any persons, firms, companies, and other corporations in enemy territory, or in territory in hostile occupation.

(c)—Returns of all claims against enemy governments.

The maximum penalties for failure to comply with the provisions of the Ordinance will be a fine of \$1,000, or imprisonment for six months, or both. There is also a penalty of \$500 a day for the period during which the default continues. The Bill fixes a period of one month after the passing of the Ordinance for the furnishing of the returns.

### Summary Offences Amendment Ordinance, 1918

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the Summary Offences Ordinance, 1845."

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

The "Objects and Reasons" state:—

(1.)—The object of this Bill is to make various amendments in the Summary Offences Ordinance, 1845. Many of these amendments have been under contemplation for a considerable time and have only been awaiting a favourable opportunity for their introduction.

(2.)—Clause 2 transfers to the interpretation section the definition of public which at present appears in section 11a of the principal Ordinance. The definition applies only to that section. The new definition will apply to the whole Ordinance. A reference to piers has been added. The compound term thoroughfare or public place has been abandoned for the simple term public place.

(3.)—A considerable part of Clause 3 of the Bill is concerned with a rearrangement of the wording of Section 3 of the principal Ordinance on account of the employment of this new term "public place." In any case, the present terminology is inexact and it seems to be varied unnecessarily throughout the section.

(4.)—Paragraph (a) of Clause 3 alters the penalty under Section 3 of the principal Ordinance from \$50 to \$250. The latter penalty seems by no means excessive for some of the offences contemplated by the section, and it is the general pecuniary penalty provided by Section 80 of the Magistrates' Ordinance, 1890, as amended by Section 5 of Ordinance 29 of 1915, and provided by Section 6 of the latter Ordinance.

(5.)—Paragraph (c) (ii.) of Clause 3 extends to the whole Colony the provisions for the protection of wells and water courses which at present apply only to the City of Victoria and to streams used for watering ships.

(6.)—Paragraph (e) of Clause 3 repeals certain particular words which might be regarded as limiting the general words of Paragraph (3) of Section 3 of the principal Ordinance. On the other hand, it inserts words which recognise the defence of lawful authority.

(7.)—Paragraph (m) of Clause 3 extends Paragraph (13) of Section 3 of the principal Ordinance to negligent acts. The paragraph refers to discharge of firearms and missiles, etc.

(8.)—Paragraph (n) of Clause 3 makes it an offence to loiter in a public place so as to obstruct the same or create a noisy assembly therein.

(9.)—Paragraph (q) of Clause 3 creates the following new offences:—

- (1) dropping building material, etc., to the danger of persons passing;
- (2) forming, without lawful authority, trenches or other obstructions in public places, and failing to fence off and light trenches or other obstructions;
- (3) picking over refuse in any public place;
- (4) Keeping noisy pets.

(10.)—Clause 4 increases the penalty for stone dressing to \$250, and extends the power of prohibition possessed by the Governor in Council from the City of Victoria to the whole Colony.

(11.)—Clause 5 increases the penalty under Section 6 of the principal Ordinance to \$250. The latter amount does not seem too large for some of the offences and it is the amount recognised by Section 80 of Ordinance 3 of 1890. This same clause amends the cruelty paragraph of Section 6 so as to make it apply to animals and birds of all descriptions.

(12.)—Clause 6 increases the penalty under section 8 of the principal Ordinance to \$250. It also creates a further prohibition against depositing building rubbish, etc., on Crown land without a permit from the Director of Public Works.

(13.)—Clause 7 repeals sub-Section (3) of section 11A of the principal Ordinance, which is now to be transferred to Section 2 of that Ordinance.

(14.)—Clause 8 makes restaurant keepers liable for the playing of *chai mui* on their premises within prohibited hours. This liability on the keeper at present applies only in the case of brothels and common lodging-houses.

(15.)—Clause 9 increases from \$100 to \$250 the penalty for allowing rabid or suspected dogs to be at large and it adds a power of inflicting imprisonment up to three months.

(16.)—Clause 10 makes the wearing of a current licence badge the same protection to a stray dog against destruction as the wearing of a collar with the name and residence of the owner. It also, for convenience, renumbers Section 17 as sub-Section (3) of Section 16.

(17.)—Clause 11 introduces a new provision, based on Section 2 of the Dog Act, 1871, 34 and 35 Vict. c. 56. The new section will give power to a magistrate to order that a dangerous dog shall either be kept under proper control or be destroyed.

(18.)—Clause 12 increases the penalty under Section 19 of the principal Ordinance from \$100 or 14 days without hard labour to \$250 or three months with or without hard labour. The section deals with various offences relating to the broaching of cargo, etc.

(19.)—Clause 13 amends Section 20 of the principal Ordinance so as to give power to award imprisonment with or without hard labour.

(20.)—Clause 14 raises the penalty under Section 21 of the principal Ordinance to \$250 or three months' imprisonment with or without hard labour. The offences concerned include wilful damage to bridges and embankments.

(21.)—Clause 15 raises the penalty for possession of offensive weapons with intent to use the same for an unlawful purpose to \$250 or three months' imprisonment with or without hard labour.

(22.)—Clause 16 raises the penalty for disorderly conduct to the same maximum.

(23.)—Clause 17 raises the penalty for unlawful possession to \$250 or three months' imprisonment with or without hard labour.

(24.)—Clause 19 makes the occupier of any premises on or from which any offence under Section 3 (1) or Section 13 of the principal Ordinance is committed liable to the same penalty as the actual offender. The offences chiefly concerned are the throwing of rubbish and other offensive matter from houses into the public

street, and the making of noises at night. In such cases it is practically impossible to discover the actual offender unless the occupier is prepared to give him up. On the other hand, it is probably easy in most cases for the occupier to ascertain who was the actual culprit, and in many cases the culprit is under the control of the occupier. It seems therefore to be a case in which the occupier may fairly be made liable.

(25.)—Clause 20 makes contractors liable for the acts of their *employés* in the three following cases:—

- (a) allowing materials to fall from buildings to the danger of the public;
- (b) opening trenches in the street without authority, or failing to fence and light such trenches;
- (c) depositing material on Crown land without a permit.

As regards (a) above, it is possible in nearly all cases for the contractor to make such provision by way of screens, etc., as to obviate the possibility of materials falling on to the public street. As regards the first part of (b), it is most unlikely that the workmen would open a roadway except under the express instructions of the contractor employing him. As regards (c) it is the duty of the contractor to make arrangements for the disposal of building rubbish, etc., and if he fails to do so and permits his coolies to dispose of it as they think fit, he cannot well complain if he is held responsible. In all these cases the commission of the offence almost certainly involves some neglect on the part of the contractor. The only exception is the case of failing to light a trench or other obstruction in the street. Holding the contractor criminally liable here may perhaps be justified by the danger to the public.

(26.)—Clause 21 gives the police power to arrest and prosecute for offences against sections 78, 82, 185, 210 and 211 of the Public Health and Buildings Ordinance, 1903. Section 78 of that Ordinance prohibits the sale outside market limits of articles of food usually sold in markets. Section 82 prohibits the sale of unwholesome food. Section 185 prohibits stalls and other obstructions in private streets. Section 210 deals with the precautions to be observed in connection with blasting. Section 211 deals with earth-cutting, etc., on Crown land. The necessity for the clause arises from the fact that sections 230 and 256 of the Ordinance in question appear to contemplate only proceedings at the suit of the officers therein specified.



(27.)—Clause 22 repeals a section of the principal Ordinance which imposes increased penalties for second and subsequent offences. This section is considered unnecessary in view of the general raising of the maximum penalties which this bill proposes to effect throughout the principal Ordinance.

#### **Dangerous Smoking Prevention Ordinance, 1918**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Dangerous Smoking Prevention Ordinance, 1900."

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

The "Objects and Reasons" state:— This bill has been introduced at the request of the Naval Authorities, and it is intended to provide a penalty for smoking on board vessels in or alongside any naval dockyard.

#### **Peak District (Residence) Ordinance, 1918**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled "An Ordinance to provide that with certain exceptions no person shall reside within the Peak District without the consent of the Governor in Council."

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

The "Objects and Reasons" state:— The object of this Ordinance is to provide that, with certain exceptions, no person shall reside within the Peak District without the consent of the Governor in Council.

#### **Malay States Extradition Ordinance Repeal Ordinance, 1918**

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled "An Ordinance to repeal the Malay States Extradition Ordinance, 1913." He said— Formerly the Fugitive Offenders Act, 1881, which provides for the mutual surrender of criminal offenders between the various parts of H.M.'s Dominions, did not apply to protected States like the Malay States. Accordingly we had here a local Ordinance to provide for the surrender of fugitive criminals to the Malay States. By Imperial Legislation in

the early part of last year the Fugitive Offenders Act was applied to the Malay States with the exception of Trengganu. Accordingly the Hongkong Malay States Extradition Ordinance was repealed last year, except in so far as it applied to that State. By certain further Imperial Legislation the Fugitive Offenders Act, 1881, has now been made to apply to Trengganu, and, accordingly, the local Ordinance is no longer required for the purposes of that State. Therefore, this Bill proposes to repeal whatever is left of our local Ordinance.

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.

#### **Indecent Exhibitions Ordinance, 1918**

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled "An Ordinance to prohibit exhibitions, publications, and advertisements of an indecent, obscene, revolting or offensive nature." He said: The object of the Bill is to suppress indecent and objectionable exhibitions, publications and advertisements. Many indecent and obscene advertisements have appeared in recent years, some in the Press and some affixed to the walls of buildings. Attention has been drawn to this apparently growing evil by members of the Chinese community because, apparently, during recent years, the evil has generally been in the Chinese Press and in advertisements published in Chinese. I understand that measures have been taken recently in Shanghai and that the evil has been practically suppressed there. It is possible that—in fact it is certain—that some of these cases might be dealt with under the Common Law, but it is not quite clear that others come under the prohibitions of the Common Law, and it was thought advisable to take statutory authority and make it a statutory offence to publish

such advertisements. As it was thought advisable to legislate for these medical advertisements, it was thought advisable to legislate also for objectionable publications and exhibitions generally so as to make the Bill complete. Clause 4 of the Bill provides that a particular class of medical advertisement, whatever its terms, shall be deemed to be of an indecent nature. That is taken from an English Act. An advertisement of that particular class, however, is not deemed to be indecent if it appears in a *bona fide* medical publication. It is proposed in Committee to add two Clauses to the Bill, the draft of which has been laid upon the table. One is a Clause to provide for a search warrant and the other clause provides for the forfeiture and disposal of any indecent and obscene matter seized and brought before the Magistrate.

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

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

Clauses 1, 2, and 3 were unaltered.

In Clause 4 the word "medical" was inserted before the word "book" and before the word "publication." Two new clauses, Clause 6 and Clause 7, were added.

On Council resuming,

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

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

Council was then adjourned until next Thursday.

#### FINANCE COMMITTEE.

A meeting of the Finance Committee followed the Colonial Secretary presiding.

#### Peak School

The Governor recommended the Council to vote a sum of eight hundred dollars in aid of the vote Education Department. Other Charges, Peak School, furniture

THE CHAIRMAN said the quarters at the Peak School were now being used as class rooms, as the rooms originally designed as class rooms proved insufficient for the increased attendance. New desks had to be provided for those extra rooms at a cost of \$700, and certain minor alterations and repairs were executed at a cost of \$100.

The vote was agreed to.

#### Volunteer Fire Brigade

The Governor recommended the Council to vote a sum of two hundred and eighteen dollars and sixty cents in aid of the vote Police and Prison Departments, *B.*—Fire Brigade, other charges, clothing.

THE CHAIRMAN—This sum is required for uniforms for members of the Volunteer Fire Brigade.

The vote was agreed to.

#### Kowloon-Canton Railway

The Governor recommended the Council to vote a sum of four hundred and fifty dollars in aid of the vote Kowloon-Canton Railway, Special Expenditure, I pair Cylinders for Loco. No. 1.

THE CHAIRMAN—This sum is required for fixing up one pair of cylinders for Locomotive No. 1. The work could not be done in the railway works and was done, under tender, by the Dock Company.

The vote was agreed to.

#### New Filter Beds

The Governor recommended the Council to vote a sum of four thousand five hundred dollars in aid of the vote Public Works, Extraordinary, Hongkong, Water Works, altering and installing hydraulic motor in connection with new Filter Beds, West Point.

THE CHAIRMAN—This sum is a revote of the unexpended balance of last year's vote.

The vote was agreed to.

### Wireless Station

The Governor recommended the Council to vote a sum of six hundred and seventy-eight dollars and fifty-nine cents in aid of the vote Public Works, Extraordinary, Hongkong, Miscellaneous, Cape D'Aguilar Wireless Telegraph Station, repairs to roofs, construction of a tennis court, and wire netting for same, water supply, paths, etc.

THE CHAIRMAN—A sum was voted for certain works at the Wireless Station at Cape D'Aguilar, the total cost of which was \$5,618. The estimate in 1917 was \$5,300. The balance in hand on the estimate at the end of 1917 was \$360.59, which had to be re-voted, and this added to the excess of \$318 made up the \$678.59.

The vote was agreed to.

### Charitable Allowance

The Governor recommended the Council to vote a sum of £60 at 2/-=s:~ hundred dollars, in aid of the vote Charitable Services, other Charitable Allowances.

THE CHAIRMAN—The late Mr. Jones, Assistant Harbour Master, was not a contributor to the Widows and Orphans Fund, and his widow was left temporarily, pending the winding up of the estate, in such financial straits that it was deemed desirable to give her assistance for a limited period. The vote represents £10 a month for six months.

The vote was agreed to.

### Harbour Master's Office

The Governor recommended the Council to vote a sum of five hundred and seventy-five dollars in aid of the vote Harbour Master's Department, — A. Harbour Office, special expenditure, furniture.

THE CHAIRMAN—This vote is required for cupboards in the Harbour Office for certain books and documents which it is necessary to keep under lock and key.

The vote was agreed to.

### Tientsin Flood Relief

The Governor recommended the Council to vote a sum of fifty thousand dollars on account

of Miscellaneous Services, Tientsin Food Relief Fund.

THE CHAIRMAN—It is necessary to obtain formal approval of hon. members for this second contribution of the Colony for the relief of the flood victims in the Province of Chihli. A letter has been received from the vice-Minister for Foreign Affairs, which would be sent to hon. members, expressing "deepest thanks for this further generous subscription from Hongkong, which has again taken pity on the wretched condition of the Tientsin flood victims."

The vote was agreed to.

### Railway Survey

The Governor recommended the Council to vote a sum of four thousand five hundred and ninety-nine dollars in aid of the vote Kowloon-Canton Railway, special expenditure, land survey.

THE CHAIRMAN—This sum is for the salary of a special engineer for the current year. So much work has to be done in connection with surveying certain branch lines, and having regard particularly to the approaching absence of the Manager of the railway, it has been decided to retain Mr. McKichan's services for the present.

HON. MR. POLLOCK—What are the branch lines?

THE CHAIRMAN—One is past the Cement Works and the other at Tai Kok Tsui.

The vote was agreed to.

### Public Works

The Governor recommended the Council to vote a sum of thirteen thousand dollars in aid of the vote Public Works, extraordinary, raising foot-paths and floors of houses in Praya East.

THE CHAIRMAN—This is a sum due to owners of Marine Lots on Praya East where the raising of the road has caused the floors and footpaths of the houses to be below the road level. The question has been outstanding for a considerable time and it has now been settled that this sum is due as compensation.

The vote was agreed to.

### **Kowloon Water Works**

The Governor recommended the Council to vote a sum of two thousand dollars in aid of the vote Public Work, extraordinary, Kowloon, Water Works, additional main from filter beds to Yaumati.

THE CHAIRMAN—This is a re-vote. It was not found possible to complete the work last year.

The vote was agreed to.

### **Path to Barker Road**

The Governor recommended the Council to vote a sum of four hundred and fifty dollars in aid of the vote Public Works, extraordinary, Hongkong, communications, path from near Plantation Gap to Barker Road near Victoria Hospital.

THE CHAIRMAN—This is a re-vote of a portion of the sum voted last year for this path which was not quite completed at the end of the year.

The vote was agreed to.

### **Fire Extinguishers for Trains**

The Governor recommended the Council to vote a sum of one thousand six hundred and fifty dollars in aid of the vote Kowloon-Canton Railway, special expenditure fire appliances for railway carriages and Kowloon Station.

THE CHAIRMAN—This sum is for the purchase of fire extinguishing apparatus for the trains—\$1,000, and for the purchase of a Fire Despatch Box for Kowloon Station—\$650.

The vote was agreed to.

### **Victoria Gaol**

The Governor recommended the Council to vote a sum of five thousand six hundred and fifty dollars in aid of the vote Public Works, extraordinary, Hongkong, miscellaneous, Victoria Gaol—constructing concrete platform over lower yard.

THE CHAIRMAN—This is a re-vote of a portion of last year's vote as the work was not completed.

The vote was agreed to.

### **Resumptions**

The Governor recommended the Council to vote a sum of sixteen thousand five hundred and fifty dollars in aid of the vote Public Works, extraordinary, New Territories, Public Health and Buildings Ordinance, 1903 (46) compensation and resumption.

THE CHAIRMAN—This is for a large number of resumptions in Sham Shui Po, the Schedule for which was not completed in January last, for which, consequently, no provision was made in the vote.

The vote was agreed to.

### **Police Pensions**

The Governor recommended the Council to vote a sum of one thousand one hundred and twenty dollars and thirty-seven cents in aid of the vote Charitable Services, Charitable Pension.

THE CHAIRMAN—This is the sum required to make up the pensions of the widows of Inspector O'Sullivan and Sergeant Clarke to the sum of £2 a week. The sum is required this year. Hon. members have already been informed of the approval of the Secretary of State to the increase of these pensions.

The vote was agreed to