

12TH JUNE, 1919.

PRESENT:—

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

HON. MR. A. G. M. FLETCHER, C.B.E. (Colonial Secretary).

HON. MR. H. E. POLLOCK (Attorney-General).

HON. MR. C. McI. MESSER, O.B.E. (Colonial Treasurer).

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

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

HON. MR. LAU CHU PAK.

HON. MR. HO FOOK.

HON. MR. S. H. DODWELL.

HON. MR. C. G. ALABASTER, O.B.E.

HON. MR. E. V. D. PARR.

MR. A. DYER BALL (Clerk of Councils).

ABSENT:—

HON. MR. E. D. C. WOLFE (Captain Superintendent of Police).

HON. MR. J. JOHNSTONE.

H.E. THE GENERAL OFFICER COMMANDING —I am sorry to say that H.E. the Officer Administering the Government is slightly indisposed. He managed to get through the Executive Council this morning, but he has lost his voice and he asked me if I would preside at this Council.

Finance

THE COLONIAL SECRETARY by command of H.E. the Officer Administering the Government, laid upon the table Financial Minutes Nos. 41 to 45 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 Officer Administering the Government, laid upon the table the report of Finance Committee No. 5 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 Officer Administering the Government, laid upon the table the report on the assessment for the year 1919-1920.

"China Companies" Custodian Ordinance, 1919

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled An Ordinance for the appointment of a Special Custodian of Enemy interests in China Companies.

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

The "Objects and Reasons" state:— The object of this Bill is to bring about a harmonious working arrangement, in the case of China Companies as defined by this Ordinance in regard to which companies His Majesty's Minister in China has appointed or may hereafter appoint a Custodian of Enemy Property in China whereby the Governor of this Colony is enabled (notwithstanding the appointment by him of a Hongkong official as Custodian generally of enemy property) to appoint the same Custodian in the case of China Companies as has been appointed or may hereafter be appointed by His Majesty's Minister in China. In this way all possibility of any future conflict of powers between the Colonial Treasurer here, who is usually appointed Custodian of Enemy Property and the Custodian of Enemy Property in China will be avoided. For a similar reason it has been thought desirable to make it clear in this Ordinance that the Custodian has full power to sell shares, stock, debentures, and debenture stock of a China Company and that such company has and has had full power to legally purchase the same "any law or any regulation of the company to the contrary notwithstanding."

Marine Stores Protection Ordinance, 1919

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled An Ordinance for the more effectual protection of marine stores. In doing so, he said: As honourable members will see, this Ordinance repeals the former Naval Stores Ordinance of 1875 which was directed solely to the question of stores which were the property of the Crown. Since 1875, as honourable members will readily appreciate, important industries and enterprises have grown up in this Colony—important docking concerns and important shipbuilding and repair yards—and, therefore, it is thought advisable in the present Bill to extend the protection of the law to the effectual protection not only of marine stores which are owned by the Crown but also of marine stores which are owned by various commercial companies and firms, or by individuals. It is also thought advisable to include coal in the definition of marine stores in this Ordinance. As honourable members are no doubt aware, there is a tendency towards petty thefts in the waters of this Colony of marine stores and coal, and the object of this Bill is to bring under greater control dealers in marine stores whom honourable members will notice by Clause 2 are persons who are required to keep shops for dealing in these stores in this Colony, and also hawkers of marine stores who, as honourable members will notice from Clause 3 of the Bill, cannot be granted a licence except through, and on the application of, a dealer in marine stores who has to give security for the marine hawker. Another important provision of the Bill is Clause 5 which requires dealers in marine stores to keep books of the marine stores they deal in. Clause 6 contains power for the Police to inspect these books and Clause 7 prohibits dealers in marine stores or hawkers from buying or selling provisions of any kind. That provision was thought desirable in order to check any possible leakage by the sale of, or attempt at selling, provisions in the waters of this Colony. Clause 8 provides that the marine stores hawkers shall only deal in such stores as the dealer who applies for the license deals in. Clause 9 prohibits the marine stores hawker from selling stores of any kind. He can only buy stores. Honourable members will appreciate the fact that if he has the power to sell stores he may buy stores and forthwith get rid of them by selling and there will be no trace of the marine stores he has bought. Clause 10 is a useful provision in regard to penalties to be inflicted on any person

found in possession of marine stores and not accounting for them. Clause 11 is wider in its terms than the corresponding clause of the Ordinance of 1875 and it has been made wider so as to correspond in importance to the docking undertakings which have arisen in this Colony since 1875. It reads as follows: "It is not lawful for any person, without permission in writing from the Harbour Master, to sweep or dredge in the waters of the Colony between the western boundary of the harbour and the Lyeemun pass, within 100 yards from any wharf or dock, or any shipping or victualling, or engineering or repairing yard." Clause 12 imposes penalties. Clause 13, which is taken practically bodily from the old Ordinance of 1875, refers to the penalty for the unlawful application of marks, of H.M. Stores. Clause 14, which is also taken from the Ordinance of 1875, provides the penalty for obliterating marks on H.M. Stores which marks will be found in the schedule. Clause 15 gives the usual power to apprehend suspected offenders, and Clause 16 contains power, founded on previous legislation, to stop and search persons and their goods, boats, etc., Clause 17 deals with the liability for prosecution under the old Ordinance and provides that no person shall be punished twice for the same offence. Clause 18 repeals the Naval Stores Ordinance. In the preparation of this Bill in matters of detail I have received much assistance from the Hon. the Secretary of Chinese Affairs and the Hon. the C.S.P. and also from Commander Beckwith. I venture to express the hope that this Bill will enable the petty pilferings which take place in the waters of this harbour to be more effectually dealt with in the future than in the past.

THE COLONIAL SECRETARY seconded.

HON. MR. C. G. ALABASTER—I should like of possible to be enlightened as to the reason why the word "hawker" has been selected to describe a person who neither sells nor is permitted to sell anything. I had occasion during the last day or two to look up the definition of hawker in at least three legal dictionaries, and I find that the definition is that he is essentially a person who sells goods. At Common Law he is a deceitful person who sells goods in the highways and by-ways

instead of in the market place. Under more recent acts and ordinances the hawker need not be a deceitful person, but is one who sells things and who is required under certain Ordinances and Acts to possess a license. In our own Licensing Ordinance of 1887 it has always been understood that a hawker is a person who sells things. Therefore I cannot understand why the word "hawker" has been chosen in this case. The man aimed at is apparently the buying agent for the marine stores dealer. Perhaps the Hon. and learned Attorney-General will enlighten us?

THE ATTORNEY-GENERAL—What word would the hon. member suggest in substitution for the word "hawker"?

HON. MR. ALABASTER—As a hawker is essentially a seller. I would suggest the elimination of that word and the use of any word appropriate to describe the exact person whom it is desired to get at. As far as I can see from a study of the Bill it is a sort of assistant to the Marine Stores dealer that you are aiming at. This Bill will not stop hawking of marine stores as it is obviously intended to because this definition of hawker is not so framed as to cover the person who sells marine stores. I would ask the Government if they are prepared to have this Bill referred to the Standing Committee on Law. Perhaps that committee may be able to find a word appropriate to describe the person we are getting at.

THE COLONIAL SECRETARY—I think that will be the best course. I will second the hon. member's motion that the Bill stand over for to-day and be referred to the Standing Law Committee.

This course was agreed to.

Births and Deaths Registration Amendment Ordinance, 1919

THE ATTORNEY-GENERAL—I beg to move the second reading of a Bill intituled An Ordinance to amend the law relating to the registration of births and deaths. As hon. members will see from the objects and reasons the object of this Bill is to carry out the recommendation recently made by the Medical Board to the effect that it is desirable to include in any medical certificate of the cause of death a statement as to whether any and what anæsthetic was administered in the course of the illness preceding the death, and how long before death.

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

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

In Clause I, the hyphen between the years 1896-1919 was eliminated and the word "to" used in its place.

THE HON. MR. ALABASTER moved that in the sixth line of Clause 2 the words "before such death," be eliminated and the words "during the said illness" substituted, and also moved the abolition of the word "such" in the last line of the same clause. He pointed out that the Medical Board, as was stated in the Objects and Reasons, considered it desirable that a certificate of death should state whether any, and in such case what, anæsthetic had been administered in the course of the illness preceding death. It was, therefore, unnecessary to cast on the doctor the duty of stating all the anæsthetics administered during a person's life time which was the literal meaning of the clause as it stood.

HON. MR. ALABASTER also moved certain minor amendments in Clause 3 so that it should read as follows:—

3.(1.)—Form No. 16 in the Schedule to the Births and Deaths Registration Ordinance, 1896, is hereby amended by inserting after the word "Death was as hereunder written." the following words, namely, "An anæsthetic, namely, — was administered *—before the death of —" (or, if such was the case: "No anæsthetic was administered before the death of—."

* Insert here how long before death the anæsthetic was administered.

(2.)—The notice on the back of the certificate in Form No. 16 of the said Schedule is hereby amended by inserting after the words "Cause of death" the words "and including a statement as to whether any, and if so what, anæsthetic was administered during the said illness."

THE ATTORNEY-GENERAL accepted these amendments.

The Council then resumed and the Attorney-General moved the third reading of the Bill as amended.

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

Arms and Ammunition Amendment Ordinance, 1919

THE ATTORNEY-GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Arms and Ammunition Ordinance, 1900." In doing so he said:—As hon. members will see from the "Objects and Reasons" attached to the Bill, the object of this Bill is to render far more deterrent the powers of the Court regarding the punishment of persons found in possession of arms. It has been found that persons in possession of arms are usually potential armed robbers. Clauses 2, 3, 4 and 5 carry out the intention by making the punishment the same as in the amended section 28 of the principal Ordinance. The amended section 28, as amended by section 6 of the present Bill, introduces extra severity in the punishment. I may inform hon. members that the magistrate has power to inflict a fine up to \$1,000 and to sentence to imprisonment for a term not exceeding one year. Under the section as amended in this present Bill we propose to give the power to two magistrates sitting together to impose a fine not exceeding \$2,000 and imprisonment for any term not exceeding two years. Also where a long term of imprisonment is desired the Magistrate is given the power, upon the application of the Captain Superintendent of Police or his deputy, to commit for trial to the Supreme Court, which has the power to inflict sentence of imprisonment up to seven years. I am also going to propose in Committee an amendment to Clause 7 of the Bill to the effect that Section 29 of the principal ordinance be further amended by the insertion after the word "forfeited" the following words, namely, "together with any article of any kind or description whatever in which such arms or ammunition are contained." At present there is no power with the Court to forfeit any article in which arms or ammunition are contained. There was a recent case in the Police Court in which arms or ammunition were found inside a clock. It is usual to have the power to forfeit the articles in which such things are found, and I think hon. members will agree that there should be this power of forfeiture. With these observations I beg to move the second reading of this Bill.

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 ATTORNEY-GENERAL moved the amendment to clause 7—that Section 29 of the

Principal Ordinance be further amended by the insertion after the word "forfeited" of the following words "together with any article or thing of any kind or description whatever in which such arms or ammunition are contained."

HON. MR. S. H. DODWELL—If the arms are found on a steamer will you be able to confiscate the steamer? That would be rather awkward.

HON. MR. C. G. ALABASTER — The proposed amendment is far too wide. In the case of the clock there was no case made out for confiscating the clock. You might as well confiscate a person's clothes because the articles were found in the pockets, or a person's luggage because the luggage contained ammunition. I move that the section stand unamended.

HON. MR. S. H. DODWELL—I will second that.

THE ATTORNEY-GENERAL — In view of what has been said by hon. unofficial members I do not press this amendment.

The Bill passed through Committee without amendment, and, upon Council resuming, the Attorney-General moved the third reading of the Bill.

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

Termination of the Present War (Definition) Ordinance, 1919

THE ATTORNEY-GENERAL moved the second reading of a Bill intituled "An Ordinance to make provision for determining the date of the termination of the present war, and for purposes connected therewith." In doing so he said:—This Bill is founded on the lines of the legislation passed at Home, and the reasons are fully set forth in the "Objects and Reasons."

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, upon Council resuming, the Attorney-General moved the third reading of the Bill.

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

Prevention of Corruption Ordinance, 1919

THE ATTORNEY-GENERAL—With regard to the Bill intituled an Ordinance for the better prevention of corruption which is down on the agenda for the second reading, I beg to move that this Bill be withdrawn.

THE COLONIAL SECRETARY seconded, and this was agreed to.

Missions to Seamen in Hongkong Incorporation Ordinance, 1919

HON. MR. S. H. DODWELL moved the second reading of a Bill intituled an Ordinance to provide for the incorporation of the Missions to Seamen in Hongkong.

HON. MR. E. V. D. PARR 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, upon Council resuming, Hon. Mr. S. H. Dodwell moved the third reading of the Bill.

HON. MR. E. V. D. PARR seconded, and the Bill was read a third time and passed.

Council then adjourned *sine die*.

FINANCE COMMITTEE.

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

Language Bonus

The Officer Administering the Government recommended the Council to vote a sum of six hundred dollars in aid of the vote Miscellaneous Services, Language Bonuses.

THE CHAIRMAN—This is for Mr. North, a passed Cadet, who has qualified in Japanese.

The vote was agreed to.

The Taipo Road

The Officer Administering the Government recommended the Council to vote a sum of fifteen thousand dollars in aid of the vote Public Works, Extraordinary, New Territories, Communications, (41) Roads, (d) General Works.

THE CHAIRMAN—This is to improve the Taipo road between the third and fifth milestones, including the reconstruction of two bridges.

The vote was agreed to.

Royal Observatory

The Officer Administering the Government recommended the Council to vote a sum of one hundred dollars in aid of the vote Royal Observatory, Other Charges, Transport.

THE CHAIRMAN—Following the removal of the naval signallers from the Peak Signal station a man has to go to the observatory every second day to take readings.

The vote was agreed to.

Miscellaneous Works

The Officer Administering the Government recommended the Council to vote a sum of three thousand dollars in aid of the vote Public Works, Extraordinary, Kowloon, Miscellaneous, Miscellaneous Works.

The vote was agreed to.

Mount Kellett

The Officer Administering the Government recommended the Council to vote a sum of two thousand two hundred dollars in aid of the vote Public Works, extraordinary, (15) Miscellaneous Drainage Works, (a) Main Sewer to intercept drainage from houses on east side of Mount Kellett.

THE CHAIRMAN—A vote of \$3,000 was passed last year. This is practically a re-vote of the money which was not spent then.

The vote was agreed to.