

3RD MARCH, 1921.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR REGINALD EDWARD STUBBS, K.C.M.G.

H.E. MAJOR-GENERAL SIR GEORGE MACAULAY KIRKPATRICK, K.C.B., K.C.S.I. (General Officer Commanding the Troops in China).

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

HON. MR. J. H. KEMP, K.C., C.B.E. (Attorney-General).

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

HON. MR. E. A. IRVING (Director of Education).

HON. MR. S. B. C. ROSS (Secretary for Chinese Affairs).

HON. MR. T. L. PERKINS (Director of Public Works).

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

HON. MR. LAU CHU PAK.

HON. MR. P. H. HOLYOAK.

HON. MR. HO FOOK.

HON. MR. JOHN JOHNSTONE.

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

MR. S. B. B. MCELDERRY (Clerk of Councils).

Minutes

The minutes of the last meeting of the Council were confirmed and signed by the President.

Papers

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the Jurors List for 1921, and the Quarterly Return of Excesses on sub-heads met by savings under heads of expenditure for the fourth quarter of 1920.

Finance

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table Finance Minutes Nos. 8 and 9 and moved that they be referred to the Finance Committee.

THE COLONIAL TREASURER seconded,

and the motion was agreed to.

THE COLONIAL SECRETARY, by command of H.E. the Governor, also laid on the table the Report of the Finance Committee No. 1.

The Light Dues Question

The next business was the consideration of the resolution moved at the last meeting of the Council by the Colonial Secretary providing for the continuance of the Light Dues (Special Assessment).

HON. MR. HOLYOAK—Sir, since the last Council meeting, at which I asked for the postponement of this resolution, the matter has been very carefully considered by the Chamber of Commerce Committee, and whilst we are not prepared to oppose this resolution we abstain on the condition that the Government is prepared to give us a pledge that no further taxation or light dues upon shipping shall be made in future. We do this for the reason that we know—and would again draw the attention of the Government to it—the absolute necessity for maintaining this port an absolutely free port, as far as it is possible, in the interests of British trade. Only a few years ago it was absolutely one of the freest ports in the world, and with certain limited restrictions it is so to-day. It is because the Chamber of Commerce, representing not only the great shipping interests, but the British mercantile interests in the Colony, are convinced that it is essential to the maintenance of the trade which is the life-blood of this place that these conditions should be maintained, that we are asking for this pledge.

HON. MR. JOHNSTONE—I beg to support my friend Mr. Holyoak. Sir, I think you yourself are now prepared to admit that the harbour is the one asset of this Colony, and, although I do not think that our status as a free port will be greatly interfered with by the additional cent on the light dues, I am prepared

to vote in favour of the resolution, provided the Government will give us some assurance that the money so raised will be spent on improvements to the harbour itself.

HON. MR. PARR—I should like to associate myself, Sir, with the remarks of the hon. member for the Chamber of Commerce, and the Hon. Mr. Johnstone.

HON. MR. H. E. POLLOCK—I desire to support the observations which have fallen from my hon. unofficial colleagues.

H.E. THE GOVERNOR—Gentlemen, it is a little difficult to give a pledge in the very wide terms asked for by Mr. Holyoak, but all I can say is that I fully appreciate the importance of keeping this harbour as free as possible to trade. But I must say that I do not think the very small levy on shipping which is involved in these light dues is a matter of serious importance to shipping. If we ceased to collect these dues, what would happen? The shipping companies' profit by this reduction would be a small item even to them, and the general public would derive no advantage, I would like to ask my hon. friend, Mr. Parr, whether, if this levy is abolished, or reduced, there is any possibility of the freights and passages charged by the P. & O. Company being reduced. If freights and passenger rates are to continue at their present exorbitant figure I submit that the Companies can well afford to contribute a small sum towards expenses which will otherwise fall on the general taxpayer. If, of course, the reduction of the light dues would result in the reduction of cost to the public of shipping services, I should be happy to agree to their removal. I am not absolutely clear as to the meaning of Mr. Holyoak's remarks about a pledge that no further burden should be placed on shipping. I think in those wide terms it is quite impossible to give any such pledge. I will now make a further suggestion which has occurred to me. It is clear, I think, that the present dues have not been felt as a burden; in fact I think I might go so far as to say that the majority of the members of the Council have forgotten that the measure was only to be a temporary one and were surprised when the proposal that they should be made permanent was brought forward.

HON. MR. HOLYOAK—No, no. I object, sir; we were watching this very carefully.

H.E. THE GOVERNOR—The question of

what further burdens, if any, may necessarily be imposed on shipping depends on various factors in the future. As I indicated before, I imagine that in the future a very large sum of money will have to be spent in order to keep the harbour up-to-date. The amount which I imagine will be spent will in any case be so large that the receipts from the light dues will represent a very trivial amount in comparison with it. If we have to spend large sums on the harbour it is not perhaps entirely unreasonable that shipping should be asked to pay something towards it. I confess that as far as possible I should desire that no additional burden should be placed on shipping, but we must conceive the possibility of this being done. I am not quite clear at what period of the present year the cost of the typhoon refuge will be worked off.

THE COLONIAL TREASURER—It is worked off already.

H.E. THE GOVERNOR—In that case, it means keeping on this tax practically for the whole year. The suggestion I make to the Council is that, without pledging ourselves definitely in the future, we will vote that this levy be continued during the present year, and the matter can be considered thereafter and if it is necessary in the course of future years to levy additional dues on shipping, the two things can be considered together. I think that is a reasonable suggestion. In that case, the resolution would be that the light dues should continue during the present year to be collected.

HON. MR. HOLYOAK—I do not think I am prepared to vote for this increase without some pledge that a further tax shall not be made in the near future. I made the stipulation because we are quite conscious that before long we are likely to have the report of Sir Maurice Fitzmaurice as to necessary improvements and harbour developments. It is precisely for that reason that the Chamber of Commerce is so extremely anxious to guard against undue taxation falling upon shipping, which, I repeat, is the life-blood of the Colony. It is not and must not be considered an Eldorado from which taxation can be produced for revenue purposes, and it should be most carefully safeguarded. I must confess I heard with some alarm the observations by your Excellency as to future possibilities of taxation

on shipping. If harbour developments are recommended by Sir Maurice Fitzmaurice which are necessary for the protection and development of the port they should only be made on condition either that there is sufficient revenue for the Colony to undertake them, or that we should adopt the very obvious course of raising a loan for the purpose,—certainly not by taxation on shipping, on which this Colony really depends.

H.E. THE GOVERNOR—I am not absolutely clear whether Mr. Holyoak definitely declines to accept the suggestion which I made. If I did not definitely say it, I meant to imply that while these dues are collected we will not raise any additional revenue from shipping, so that, when the question does arise—if it ever does arise—of raising additional taxation from shipping, and comes before the Council, the two things can then be considered together. I think it will be clear that it would be unreasonable to give a definite pledge that no further taxation will be raised from shipping without any knowledge of what will be necessary in the future, and I again suggest that it will be a perfectly reasonable thing to continue the light dues for the present year, on the understanding that no further taxation will be raised directly from shipping while they are in force.

HON. MR. HOLYOAK—I am prepared to accept the resolution in the light of your Excellency's explanation. What I understand is that no further taxation will be imposed by the Government upon shipping after the adoption of this resolution without due notice and full time to consider any further proposal.

H.E. THE GOVERNOR—In any case, due notice would naturally be given of any proposals for taxation, but in the present case I am prepared to pledge myself not to suggest that any direct taxation should be imposed on shipping while these dues continue to be collected, on the understanding that they only hold good for the present year.

HON. MR. PARR — In reply to your Excellency's inquiries from me, I should like to say that the cause of the exorbitant freights and passage money, to which your Excellency has referred, does not unfortunately rest with the shipping companies concerned who would all, without exception, prefer that the fares should pursue the even tenour of their way, rather than be affected by the causes before referred to, over

which they have no control.

H.E. THE GOVERNOR—The resolution now before the Council is the resolution as it appears on the order paper, with the words "during the present year" inserted after the word "collected."

The resolution, so amended, was agreed to

Barker Road Hospital

HON. MR. P. H. HOLYOAK asked—Will the Government state when they hope to open the separate Maternity Ward of the Barker Road Hospital?

THE COLONIAL SECRETARY replied—In about fifteen months.

HON. MR. HOLYOAK — Sir, with your permission, as I have not had an opportunity of discussing the question, I should like to give notice of the following question, arising out of the answer to my previous question: Will the Government state why they anticipate so long a delay as 15 months in so essential a thing as a maternity ward for the Barker Road Hospital, especially in view of the fact that it has been under consideration now for the best part of two years.

The Police Out-Stations

HON. MR. P. H. HOLYOAK asked—Have the recommendations of the Coroner's jury on the "Tai O" tragedy been carried out as regards two European Policemen being stationed at out-stations

THE COLONIAL SECRETARY replied:—Two European Police Officers have been stationed at Tai O since the tragedy and also at Lok Ma Chau, an exposed frontier station. Two European Officers have also been stationed from time to time at Cheung Chau. The strength of the European Police Force does not admit of a second Police Officer being sent to other rural stations, but when the European Contingent is up to full strength it will be possible to send a second officer to certain other stations.

HON. MR. HOLYOAK—In connection with this answer, will the Government state when they expect the European Police Force to be up to full strength?

The Cracker-Firing Practice

HON. MR. P. H. HOLYOAK asked—Will the Government, in view of the recent tragedy at West Point, wherein several persons lost their lives and many were injured, take steps at once to prohibit the sale of all so-called "Bombs" in this Colony, and further to enforce existing legislation against the throwing of crackers, stones or other missiles from verandahs of houses and buildings into the roadway?

THE COLONIAL SECRETARY replied—The Government intends to prohibit the sale or use in the Colony of all crackers bombs or other explosive objects that depend for their effect on the shattering of a strong casing or that explode by detonation, and to enforce the provisions of the Dangerous Goods Ordinance where an article used is specifically included in the list of Dangerous Goods. Such prohibition will not affect the crackers generally used. The reply to the latter part of the question is that there is considerable difficulty in enforcing existing legislation owing to the impossibility in most cases of identifying the actual offender, while there are objections to legislating for the purpose of making the occupier of the premises from which objects are thrown criminally liable for the acts of others.

Traffic Conditions and Regulations

HON. MR. P. H. HOLYOAK asked—In view of the general and considerable increase in motor traffic in this Colony, and the probability that it will still further increase ere long, will the Government appoint a small Committee to enquire into and revise traffic conditions and regulations?

THE COLONIAL SECRETARY replied—The traffic regulations were carefully revised last year and it is not considered that any further revision is now required.

HON. MR. HOLYOAK—In connection with the answer to this question, as I personally do not accept the answer as satisfactory, nor will, I believe, the Auto-mobile Association, which I have the honour to represent, I beg to give notice of the following resolution:

"That in view of the alteration in traffic conditions in this Colony, in the opinion of this Council it is desirable to appoint a small committee to enquire into this matter."

Hansard

HON. MR. H. E. POLLOCK, K.C., asked—Will the Government include in the Hongkong Hansard

all Legislative Council questions which have been answered in the *Government Gazette*, together with the answers to such questions?

THE COLONIAL SECRETARY replied—The answer is in the affirmative.

Census of Chinese Who have been Bought

HON. MR. POLLOCK asked — Will the Government include in the Census which is being compiled this year, a Census of Chinese who have been bought:

(a)—For purposes of adoption;

(b)—For domestic service?

THE COLONIAL SECRETARY replied—It is proposed to add a column to the Chinese Schedule requesting information regarding adopted persons. The exact wording is now under consideration.

HON. MR. POLLOCK—Arising out of the answer to question 2, I should like to point out that I asked for a census, (a) of Chinese bought for purposes of adoption and (b) of Chinese bought for domestic purposes. I do not know whether, sir, the answer to the question is intended as negating a census of those who have been bought for domestic service or not.

H.E. THE GOVERNOR—The answer was meant to imply that the matter was receiving consideration.

HON. MR. POLLOCK—The answer, I think, referred only to adoption, so I am emphasizing the point.

The Kowloon Hospital

HON. MR. POLLOCK asked—When will work be commenced on the Kowloon hospital site? What steps are being taken to expedite the building of such hospital?

THE COLONIAL SECRETARY replied—It is not possible at present to give a date. Sketch plans have been prepared and are considered satisfactory. It is possible that work on the site will be commenced within two months, and when the detailed plans are finished tenders will be invited.

The Peak Tramway

HON. MR. POLLOCK asked—Is it the fact that, without alteration to the

passing points, cars can be put on the Peak Tramway to hold 60 passengers each instead of 40? If so, will the Government, in view of many people being frequently crowded out of the cars, urge the Peak Tramway Company to put on such larger cars at an early date?

COLONIAL SECRETARY replied—The whole question of what, if any, alterations are desirable in the Peak Tramway is under consideration, and the Government is not prepared to make any representation to the Company with regard to the size of the cars at the present time.

HON. MR. POLLOCK — With regard to this answer I should like to ask, for how long the Government has had this question of alterations of the Peak Tramway under its consideration—I assume that it must have been a very considerable time—and if so I should like to know when the views of the Government are likely to be given.

H.E. THE GOVERNOR—I am afraid I must ask the honourable member to give notice of that question.

Constitutional Reform Question

HON. MR. POLLOCK asked — Will the Government lay upon the table the correspondence between:

(i.)—His Excellency the Governor; and

(ii.)—The Hongkong Government

and the Secretary of State for the Colonies, upon the subject of Constitutional Reform, since the public meeting in January, 1919, at which resolutions were passed in favour of

(i.)—An unofficial majority on the Legislative Council;

(ii.)—The abolition of Government nomination in regard to all the non-Chinese members of that Council; and

(iii.)—Enlarging the body of electors?

THE COLONIAL SECRETARY replied—It is not proposed to lay the correspondence, practically all of which consists of confidential despatches.

HON. MR. POLLOCK—I would ask sir, why any despatches of a confidential nature should have been sent home on a matter of this sort.

H.E. THE GOVERNOR—I am afraid that is not a question which can properly be answered.

Traffic Regulation Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to amend the Vehicles and Traffic Regulation Ordinance, 1912.

THE COLONIAL SECRETARY seconded.

The motion was carried.

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

On clause 3, the ATTORNEY-GENERAL said—I propose two small amendments in this clause. In the new paragraph 9 I propose to insert, in the second line, the word "public" before the words "motor vehicles", and, in the seventh line, "amendment or," before the word "cancellation."

The clause as amended, and the other clauses of the Bill, were approved.

The meeting of the Council was then resumed.

THE ATTORNEY-GENERAL moved the, third reading of the Bill.

THE COLONIAL SECRETARY seconded and the Bill passed its third reading.

Widows' and Orphans' Pension Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to amend the Widows' and Orphans' Pension Ordinance, 1908.

THE COLONIAL SECRETARY seconded

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

No amendments were made and, on the resumption of the Council, the ATTORNEY GENERAL moved the third reading of the Bill. This was carried.

The Adjournment

H.E. THE GOVERNOR said—Gentlemen, There is no Bill and no business of immediate urgency which is ready. It would have been impossible to meet next week. I had contemplated meeting the week after, and we might still do so, but I think the best course will be to adjourn *sine die*.

The Council then adjourned *sine die*.

FINANCE COMMITTEE.

Following the meeting of the Council a meeting of the Finance Committee was held, the COLONIAL SECRETARY presiding.

Water Supply at Fanling

The Governor recommended the Council to vote a sum of \$400 in aid of the vote Public Works Recurrent, New Territories, Water Works, (47) Water Account, (Meters, etc.).

THE CHAIRMAN—This sum of \$400 is needed for the purchase of a meter to measure the new Fanling water supply. When the estimates for the current year were drawn up the requirements of the Fanling water supply were not known.

The vote was approved.

Public Works at Kowloon

The Governor recommended the Council to vote a sum of \$411.09 in aid of the following vote:—

Public Works Extraordinary, Kowloon, Buildings:—

Tsimshatsui Police Station Extension.....	\$116.85
King's Park Quarters, Installing Water Closets.....	294.24
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Total.....	\$411.09
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THE CHAIRMAN said—These are revotes of sums that should have been charged against last year's votes, but the invoices did not arrive from the Crown Agents in time.

The vote was approved.

Questions

(Extract from the Hongkong Government Gazette No. 12 of the 24th March, 1921.)

THE HON. MR. H. E. POLLOCK, K.C., has given notice of the following questions:—

1.—Has the Government yet received Sir Maurice Fitzmaurice's Report on the Development of the Harbour? If not, has the Government any, and if so, what information as to when it is likely to receive such Report? Will such Report be laid upon the Table of this Council?

2.—Has the Government or has His Excellency the Governor forwarded to the Secretary of State for the Colonies any communication or communications from any person or persons or body of persons with reference to Constitutional Reform other than the communications received by the Government from the Constitutional Reform Association? If the answer to the above Question is in the affirmative, will the Government lay such communication or communications upon the Table of this Council?

3.—Has the Government received any communication from the Secretary of State for the Colonies to the effect stated by him in answer to Colonel John Ward, M.P. in the House of Commons (as telegraphed from London under date the 22nd February and published in the local papers) namely; that it has been decided not to make any change in the principle or mode of selection of the Legislative Council of this Colony? If so, will the Government lay such despatch from the Secretary of State upon the Table of this Council?

4.—For how long has the Government been aware that it was feasible to place cars containing 60 persons each on the Peak Tramway without alteration to the present points? Will the Government state what objections, if any, exist to the introduction of such larger cars on the Peak Tramway?

to which the following are the replies:—

1.—As a number of plans have to be examined by Sir Maurice Fitzmaurice, some of which are not yet ready, it will probably be some time before any report is received. The question of publication will be considered on the receipt of the report.

2.—The Governor is the only channel of communication with the Secretary of State for the Colonies. The nature and extent of the Governor's correspondence with the Secretary of State on this or any other subject is a matter between themselves alone. Questions such as this cannot therefore be answered.

As already stated it is not proposed to lay any papers on the subject of Constitutional Reform.

3.—The answer to the first part of the question is in the affirmative. The decision of the Secretary of State has been notified to the Constitutional Reform Association with whom the correspondence originated.

The Secretary of State's despatch is confidential and cannot therefore be laid on the table.

4.—The Government has never at any time had any reason to suppose that the position of the present points has any bearing on the question of the size of the cars.

The objection to increasing the size of the cars is understood to be that entirely new machinery would be required, but the Tramway Company would be better able than is this Government to answer the latter part of the question.

S. B. B. MCELDERRY,
Clerk of Councils

COUNCIL CHAMBER,
22nd March, 1921.