

23RD JUNE, 1921.

PRESENT:—

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

HON. THE OFFICER COMMANDING THE TROOPS, COLONEL C. W. DAVY, C.M.G.

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

HON. MR. J. H. KEMP, C.B.E., K.C. (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, O.B.E. (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. H. W. BIRD.

HON. MR. A. G. STEPHEN.

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

New Member

Colonel C. W. DAVY having taken the Oath previous to the meeting, took his seat as Officer Commanding the Troops.

Presentation of Decorations

Before proceeding with the business of the Council HIS EXCELLENCY THE GOVERNOR presented the badge of Officer of the Order of the British Empire to the Hon. Mr. S. B. C. Ross, and the badge of Member of the Order of the British Empire to Mr. G. P. de Martin, and to Mr. F. J. de Rome. The honours had been conferred in recognition of services rendered in the censorship at the Post Office during the war. "I desire," HIS EXCELLENCY said, "to express the

congratulations of the Council to these gentlemen and its thanks for their services."

HIS EXCELLENCY pinned on the badges and shook hands with each recipient, members of the Council meanwhile standing in their places.

Minutes

The minutes of the meetings held on April 28th and April 30th were approved by the Council and signed by H.E. the Governor.

Papers

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the following papers: Report of the Harbour Master for the year 1920; Report of the Police Magistrate for the year 1920; Report of the Registrar of the Supreme Court for the year 1920; Report on the New Territories for the year 1920; Report on the Kowloon-Canton Railway (British Section) for the year 1920; Preliminary Report on the Census of Hongkong 1921; Return of excesses on sub-heads met by savings under heads of expenditure for the first Quarter, 1921.

Finance

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Financial Minutes Nos. 28 to 49 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, laid on the table the Report of the Finance Committee (No. 6) and moved that it be adopted.

THE COLONIAL TREASURER seconded, the motion was agreed to.

Regulations

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Regulations made under:—

- (a) The Stamp Ordinance, 1921, by the Officer Administering the Government in Council on April 30th, 1921.
- (b) The Stamp Ordinance, 1921, by the Officer Administering the Government in Council on May 11th, 1921.
- (c) The Places of Public Entertainment Regulation Ordinance, 1919, by the Governor-in-Council on May 26th, 1921.
- (d) The Stamp Ordinance, 1921, by the Government-in-Council on June 9th, 1921.

Supreme Court Rule

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the Rule made under the Supreme Court Ordinance, 1873, by the Chief Justice on June 14th, 1921, and moved that it be approved by the Council.

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

Rates

THE COLONIAL SECRETARY moved the following Resolution made under section 31 (1) of the Rating Ordinance, 1901, Ordinance No. 6 of 1901:—

Resolved that the resolution made by the Legislative Council under section 31 (1) of the Rating Ordinance, 1901, on the 7th day of April, 1921, and published in the *Gazette* on the 8th day of April, 1921, as Government Notification No. 144 be rescinded and that the percentages on the valuation of tenements payable as rates on and after the 1st day of July, 1921, be the same as are now payable.

THE COLONIAL SECRETARY said—Honourable members will remember that when the question of increasing the assessed taxes from 13 per cent. to 20 per cent. was under consideration the financial position of the Colony was such that, even with the

increased taxes on liquors and tobacco, it was difficult to see how the revenue and expenditure of the current year could be made to balance. Even with the proposed increase of the assessed taxes it was doubtful whether we should arrive at the end of the year without a considerable deficit. The Government was very unwilling to increase the assessed taxes at a time like the present when not only the rents paid in respect of domestic tenements are higher than they have ever been before, but the trade of the Colony at the same time is in an unsatisfactory state, and generally, it would be hard for tenants to pay the additional sum required. At the same time it was felt—it has always been felt—that the assessed tax is one which is spread over the whole community and, in normal times, is a fair tax, and one that can be borne more easily than other forms of taxation. However, since the resolution was passed the financial position has been found to be more satisfactory than it was in April and, also, we have a reasonable prospect this year of meeting our expenditure by the help of the sale of certain Crown lands. Therefore, it was felt that this increase in assessed taxes might stand over, at any rate for the present. During the course of the months that have elapsed since it was decided to raise the assessed taxes, various instances have come to the notice of the Government in which landlords have raised the rents of their tenants or given notice to their tenants that rents would be raised by certain sums from the 1st of July, and in some cases it was definitely stated that that rise was caused by the increase in the assessed taxes. Where tenants take the trouble to make the calculation, they generally find that the increase is more than the 7 per cent. by which it had been intended to increase the assessed taxes. In some cases the increase in the rent was as much as 20 per cent. and the landlord was obviously taking advantage of the Government having decided to raise the assessed taxes to increase the rent a great deal more than the 7 per cent. he was liable for. That is an unsatisfactory position and it is to be hoped that all landlords who have made such an addition to rent will now see fit to restore the rent to the original figure.

THE COLONIAL SECRETARY seconded.

The motion was agreed to.

H.E. THE GOVERNOR — With your permission, I should like to take this opportunity of saying a few words on a subject which arises out of some remarks which the Colonial Secretary made on the general question of increases of rent by landlords. At the beginning of last year I made clear in this Council my own view on the question of the increases which were taking place in house rents. My view was that it was highly undesirable, if it could be avoided, to interfere with the operation of the ordinary financial principles of supply and demand, and there were special reasons against interfering between landlord and tenant. A certain amount of annoyance caused by increases in rent was unjustifiable, because owing to the decrease in the value of money, the landlord was receiving less and he had some right to put up his rents in order to secure an income equivalent in value to that which he had before. A further point was, I was afraid that if we interfered too much we should check the building of houses, which is a most important point. At a subsequent meeting, in order to clear up the position. I said that the Government would not stand by with folded hands, and allow the shortage of housing accommodation to be exploited unreasonably by the landlords. The matter has remained untouched practically since then. Occasional complaints have been made to us of unreasonable increases in rents. In many cases it has been found that the increases were not unreasonable; in others it was found that the landlords on reconsideration were prepared to withdraw the proposed increases.

I regret to say, however, that during the last few weeks the situation has taken a different turn. It is perfectly clear that it is the intention of a large number of landlords in this Colony to take advantage of the scarcity of houses in order to rack-rent their tenants. The situation has become more difficult owing to the unfortunate troubles on the other side of the border. The number of Chinese coming to Hongkong has been very largely increased and we are now faced with a double problem. In the first instance, rents are being raised — I will give you figures to show that they are being unreasonably raised; and the other is that owners, presumably desiring to provide room for wealthy refugees from Kwangtung,

have given persons already resident in the Colony notice to leave their houses. I have no desire to interfere with the hospitality always given to refugees in this Colony, but I think you will agree that we owe, in the first instance, certain duties to the permanent residents of the Colony.

I pass now to some rather striking instances of increases in rent. I will read to you a letter addressed to the Head of the Sanitary Department. (I will not mention the names of the writers):

"No. 1, Bowrington Road,

1st and 2nd floors.

Dear Sir,—We beg to inform you that the above property is leased to us by the Hongkong Land Investment and Agency Co., Ltd., as from June 1st, 1921, and all rents due on and after that date are to be collected by us.

We take this opportunity to inform you that the above property is taken over by us at a very high price, costing over \$90 per house. We are, therefore, compelled to notify you that unless the above premises are vacated on or before July 1st, 1921, the rent will be increased to \$60 (dollars sixty) per month from that date.

Thanking you for acknowledgement of this letter, etc., etc."

I need only add to that, gentlemen, that the rent of these premises at the present moment is \$27 per month. In other words the middleman who farms — an iniquitous system in itself — the collection of rents from the Land Investment Company, is proposing to raise the rents by something like 120 per cent. Speaking in this place I cannot stigmatise that action in the terms which I should use in the course of ordinary conversation. I can only say I regard it as a scandalous outrage on public decency, and it is greatly to be regretted that a wealthy corporation like the Land Investment Co. should, by encouraging the system of farming through a middleman, allow such scandalous transactions

to take place in this Colony. When I last spoke on this subject I stated that the Government would not allow the situation to be exploited, and I thought the landlords would be wise enough to take that as a hint and confine their proposals for increased rents to reasonable limits. They have not done so; they choose to throw down the gauntlet in this way, and I am perfectly prepared to take it up. A situation of this kind cannot be tolerated, and I ask you to advise me, gentlemen, as to the steps that should be taken to deal with the situation. I desire the matter to be fully considered and propose, therefore, to appoint a committee of this Council to consider and advise what steps should be taken to protect the tenants of domestic tenements from unreasonable increases in rental and from arbitrary termination of their tenancies. I propose that the Committee shall consist of the Attorney-General, the Colonial Treasurer, the Hon. Mr. Pollock, the Hon. Mr. Lau Chu Pak, and the Hon. Mr. Holyoak. I do not wish in any way to fetter the deliberations of the Committee, but I should like to say what, in my opinion, is a possible course, one which would enable us to deal with this situation without making the position so unsafe for landlords that they will not invest their money in building further houses. I would suggest that the soundest course would be to consider what, in view of the fall in the value of money, is now equivalent to the rents which were in existence, say, in 1914 and 1915, and what percentage on rents it would be necessary to add to meet that fall. Having done that I would further propose that in future no rent should be raised to a greater percentage without the consent of some body appointed for the purpose, and I would go further and say that if rents have been raised beyond that percentage they should be reduced as from the beginning of next month. In order to deal with the situation of people who are given notice to leave, I would suggest that no such notices should be allowed to take effect for a period of six months—that would probably be long enough to carry us over the period of pressure caused by the influx of refugees from China, and by that time a certain number of additional houses will be ready for occupation. I am merely throwing out these suggestions for the consideration of the Committee. This does not touch houses built

since 1914; their case would need to be very carefully considered. There is, as I suggested before, a danger that interference with rents may check the readiness of landlords to build houses, but I think that can be got over, to some extent at least, by making the law of restricted operation—by making it for one year only and requiring it to be re-voted annually if necessary. If that is done I consider that the situation will be materially improved.

It is with great regret that I feel compelled to ask the Council to interfere with business matters in this way. It is undesirable to interfere with economic laws, but if these laws are not allowed to work smoothly, and the landlord takes the opportunity of rack-renting by virtue of his monopoly, or makes a "corner" in housing accommodation, it is necessary to abandon precedents and general principles. The landlords have chosen to defy the Government and the public, and I must ask you, gentlemen, to assist me to deal with them.

HON. MR. HOLYOAK—I regret to say, sir, that, on health grounds, I must decline to serve. I have been strictly forbidden, by my Doctors to undertake any extra work for several months. I am afraid this will be a somewhat heavy task and I must not undertake it under the circumstances.

HIS EXCELLENCY—I am sure I am expressing the regret of the Council at Mr. Holyoak's decision and the reasons for it.

HIS EXCELLENCY enquired if the Hon. Mr. Bird would be prepared to serve on the Committee. The hon. member signified his willingness and his name was accordingly substituted for that of the Hon. Mr. Holyoak.

Liquor Duties

THE COLONIAL SECRETARY moved the following Resolution under the provisions of Section 41 (1) of the Liquors Consolidation Ordinance, 1911, Ordinance No. 9 of 1911:—

Resolved that the Resolution made by the Legislative Council under the provisions of Section 41 (1) of the Liquors Consolidation Ordinance, 1911, on the 7th day of April, 1921, and published in the *Gazette* of the 7th day of April, 1921, as Government Notification No. 139 be amended by cancelling the clauses thereof marked (f) and (2) respectively and substituting therefor the following clauses:—

(f)—\$0.20 cents per gallon on all native liquor distilled in the New Territories, not including New Kowloon, for consumption in the said Territories.

(2.) — Stills in the New Territories, not including New Kowloon, shall be prohibited from sending liquor produced in these stills to Hongkong or to New Kowloon, provided that any licensee of a distillery who desires to send such liquor to Hongkong or to New Kowloon may be granted a permit to do so, upon payment of the duties charged in Hongkong and New Kowloon.

THE COLONIAL SECRETARY said—The effect of this resolution is to place the island of Cheung Chau on the same footing as the remainder of the New Territories (excluding New Kowloon) as regards native liquors distilled there. Representations have been made by those who distil native liquors that the existing regulation is having the effect of driving customers—chiefly those of the fishing fleet—to other places, and there appeared to be no reason, why the Island of Cheung Chau should stand in a different position to other parts of the New Territory. The Government has decided that their representations are justified, and this resolution is the result.

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

Facilities to Contractors

HON. MR. H. W. BIRD, in accordance with notice previously given, asked the following question:—

"Will the Government instruct the Police to afford facilities to Contractors for the temporary storage of building materials on the Praya during transit from the lighters or junks in which they arrive?"

THE COLONIAL SECRETARY replied— This is a difficult subject which the Government has had under consideration for some time. It is proposed to provide permanent stages for the deposit of building material. Pending their construction efforts will be made to introduce temporary arrangements which will meet the case so far as is possible without undue interference with traffic.

Cheung Chau

HON. MR. H. E. POLLOCK, K.C., in accordance with notice previously given, asked:—

1.—Has the new Telephone Cable from the Island of Hongkong to Cheung Chau, which was referred to by the Colonial Secretary in this Council on September 18th, 1919, been laid?

2.—Is it the fact that an European Sergeant is the only European Police Officer stationed at Cheung Chau, and is he constantly, in the course of his duty, absent from that Island? Is not the Government yet in a position to comply with the requests which have been repeatedly made in this Council for the stationing of a second European Police Officer at Cheung Chau?

THE COLONIAL SECRETARY replied—

1.—The telephone cable referred to is in two portions, the first from the mainland to Lantau near Ma Wan and the second from Lantau to Cheung Chau. These cables were laid in February, 1920, and have been working ever since, except for the period from 14th to 19th of May when the land line on Lantau was interrupted owing to heavy storms.

2.—The Acting Sub-Inspector in Charge is the only European Police Officer stationed at Cheung Chau. He is at times, but not constantly, absent from the Island. During the months of March, April and May he was absent from the Island 16 times in all for a period exceeding four hours. These absences are necessitated by visits to adjacent islands and part of the southern coast of Lantau, which are in Cheung Chau police district.

During the above three months the Officer in Charge of one of the Police patrol launches stopped at and visited Cheung Chau 15 times. A patrol launch passes the island at least once every day and can be stopped by signal.

The Captain Superintendent of Police will be asked to arrange if possible for a second European police officer to be stationed at Cheung Chau during the summer.

Amendment of the Public Health and Buildings Ordinance, 1903

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend further the Public Health and Buildings Ordinance, 1903.

The "Objects and Reasons" attached to the Bill are as follows:—

1. Clauses 2, 3 and 4 of the Bill deal with the payment of compensation for animals slaughtered by order of the Sanitary Board, and for animals retained for observation by order of the Board. Clauses 5 to 9 make certain alterations in the law relating to open spaces, scavenging lanes, and means of access for the purpose of inspecting, scavenging, and cleansing.

2. Clause 2. — This clause makes an amendment in the heading prefixed to sections 54 and 55 of the principal Ordinance which is consequential on the amendment made by clauses 3 and 4 of the bill.

3. Clause 3.—The existing law relating to compensation for animals slaughtered by order of the Board is defective in two main respects. i.e., (a) it applies only to cattle and not to animals generally, and (b) it gives no power to withhold compensation for animals which were imported in an infected condition. Clause 3 of the bill follows the lines of the Diseases of Animals Act, 1894. In accordance with that Act, it makes the amount of compensation depend upon the nature of the disease, it gives power to withhold compensation if the owner of the animal has been guilty in relation to the animal of an offence against the principal Ordinance, and it provides that, unless otherwise ordered by the Governor-in-Council, no compensation shall be paid for any animal which shows symptoms of disease before it has been in the Colony for the

period of incubation of the disease in question. The maximum compensation is to be \$40 in the case of a pig and \$400 in the case of any other animal. Power is given to the Governor-in-Council to define by order the periods of incubation of any diseases.

4. Clause 4.—This clause gives the Board power to retain for observation any animal which is liable to be slaughtered by order of the Board, and it provides that compensation shall be given in such a case as if the animal has been slaughtered.

5. Clause 5.—This clause provides that if an existing domestic building has in fact the amount of open space which would be required in the case of a new domestic building erected on land leased from the Crown before the commencement of the principal Ordinance, such open space shall not be reduced below the minimum required for such a new domestic building.

6. Clause 6.—This clause makes general the provisions of section 176 of the principal Ordinance relating to open spaces between new domestic buildings and the hillside. At present these provisions apply only to the City of Victoria.

7. Clause 7.—(a) This sub-clause makes it clear that scavenging lanes provided under the section must be formed to such levels as the Building Authority may direct.

(b) This sub-clause extends the privilege of the proviso to all ground stories which are not used for domestic purposes, whether they be used as shops or not. In future, therefore, the proviso will apply, e.g., to ground stories used as godowns as well as to ground stories used as shops. It must, however, be pointed out that the amendment may have a restrictive effect also, though this depends upon the legal construction which ought to be placed on the wording of the present proviso. It is believed that the intention of the present proviso was that the concession should be available only where the ground stories of the three adjacent buildings were used solely as shops, and that it should not be available where those shops were used also for domestic purposes. However,

that may be, the amendment will make it clear that if the shops are also used for domestic purposes the concessions cannot be claimed. Of course, the presence of two caketakers in a shop at night will not have the effect of making the shop a place "used for domestic purposes" within the meaning of the section.

(c) In future no portion of any street shall be allowed to count as open space.

(d) This sub-clause gives the Building Authority power to modify the provision of this section in the interests of the owner.

8. Clause 8. — The remarks made on paragraphs (a), (b), and (c) of clause 7 above apply also to the corresponding paragraphs of this section.

Sub-clause (d).—It is intended that no compensation shall be payable in future for scavenging lanes in any case. Such lanes are indirectly an advantage to the public but they are primarily necessary for the convenience and health of the occupants of the building.

9. Clause 9.—It seems desirable to provide that all open spaces which abut on a street must be provided with a means of access from such street for the purpose of inspection, scavenging and cleansing.

THE ATTORNEY-GENERAL said— The Bill falls into two parts; the second, third and fourth clauses deal with the compensation to be paid for animals slaughtered by order of the Sanitary Board. Clauses 5 to 9 deal with open spaces, scavenging lanes and allied subjects. Dealing, first of all, with the compensation for animals slaughtered, the present law is defective in two respects. It applies to cattle only and not to animals generally, and it gives no power to withhold compensation for animals imported in an infected condition. Power will exist in future to refuse compensation when infected animals are imported, as it seems only fair that the importer should bear the loss and that it should not be thrown on the public. Power is also given to refuse compensation where the owner of the animal has been guilty of any offence in connection with the importation or control of the animals in the Colony. The actual rates of compensation, which appear in clause 3, are taken from the

English Act. The rate of compensation depends to a certain extent upon the nature of the disease. Clause 4 gives the Board power to retain for observation or treatment animals which would otherwise be liable to be slaughtered but which the Board may wish to retain for the purpose of making investigations into the disease. As to open spaces and scavenging lanes, the main amendment which the Bill proposes to effect is to provide that, in future, no compensation shall be paid in any case for scavenging lanes. Under the existing law, if buildings are erected on land leased from the Crown, before the commencement of the principal Ordinance, and are provided with scavenging lanes, and these scavenging lanes are surrendered and become Crown property, provision is made for the payment of compensation. It is now thought, sir, that the expense of provision of such scavenging lanes ought in all cases to fall on the owner. It is mainly for the benefit of the owner and his tenants, though indirectly it benefits the public because it tends to make the locality more healthy; but the main benefit of scavenging lanes is to the owner and his tenants and it seems only reasonable that the owner should be the person to bear the expense, in all cases, of providing such lanes.

This part of the Bill provides that in future no street shall count as an open space. In certain cases, streets are allowed to count as open space if no domestic buildings front on them. The effect of that is that where the owner is allowed to count the street as an open space he has to provide a smaller amount of space on his property than he otherwise would and it is thought that the time has come in the public interest to require owners to provide, on their own land, the not excessive amount of open space which the principal Ordinance requires, without having the option of counting a street as part of the open space. The rule is one which has worked in a spasmodic and capricious way because if any domestic building fronts on the street it is not possible to count it as open space. Opportunity is also taken to make certain minor amendments. I beg to move the first reading.

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

**Amendment of the Crown Lands
Resumption Ordinance, 1900**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend the Crown Lands Resumption Ordinance 1900.

The "Objects and Reasons" attached to the Bill state:

1.—This Bill contains the three following main provisions:—

- (a)—The customary 10 per cent. allowance for compulsory acquisition is to be abolished.
- (b)—The compensation is to be based on the amount which the property would fetch in the open market if sold by a willing seller.
- (c)—No compensation is to be given in respect of any use of the land which is not in accordance with the terms of the crown lease under which the land is held.

2.—Paragraphs (a) and (b) of Clause 2 are adopted from the Acquisition of Land (Assessment of Compensation) Act, 1919, 9 and 10 Geo. 5. c. 57, s. 2 (1) and (2).

3.—Paragraph (c) of Clause 2 is intended to prevent claims being made on public moneys in respect of uses of the land which are not in accordance with the terms of the Crown lease. Such claims are sometimes made, and they are generally supported by the production of permits to use the land in that particular way. Though such permits are intended to be only temporary they are often renewed from year to year for long periods, and the argument is that the Crown must be taken to have waived the breach of the Crown lease. It has also been argued that the expectation of the continued renewal of such permits must be taken into account in fixing the compensation.

4.—Clause 3 of the Bill is intended to save existing arbitrations from coming under the stricter provisions of clause 2 of the Bill.

5.—Clauses 4 and 5 are intended to get over a difficulty which sometimes occurs in the New Territories when owners, or co-owners, are absent from the Colony or cannot be found.

6.—Clause 6 is a minor amendment which is consequential on paragraph (a) of Clause 2.

THE ATTORNEY-GENERAL said—There are three main provisions in this Bill. In the first place it proposes to abolish the customary ten per cent. allowance for compulsory acquisition. That ten per cent. has been abolished in certain particular cases, in England, by particular statutes, and recently, two years ago, a general statute was passed dealing with the acquisition of land compulsorily, and that provision is now made general in all cases. In future the Board of Arbitrators will have to assess the value of the land without allowing any amount for compulsory purchase. That provision is reinforced and made clear by the second main provision of the Bill which is to the effect that the compensation on the resumption of Crown lands is to be based on the amount which the property would fetch in the open market if sold by a willing seller. That is intended to get rid of any argument with regard to sentimental value. The third main provision is that, in any resumption under the proposed Ordinance, no compensation is to be given in respect of any use of the land which is not in accordance with the terms of the Crown lease under which the land is held. That affects two main classes of cases; one is the case where land is held on a particular title, say, an agricultural lease which only entitles the holder to use the land for farming purposes. In some cases such land is allowed by the Government to be used temporarily for other purposes. The owner may get a permit to put up and maintain some kind of factory there, for example. It is a temporary permit, and is liable to revocation on short notice. If the owner chooses to spend a large sum of money on the erection and maintenance of the factory he can hardly complain if, when the land is required for public purposes, he is reminded that his title is merely an agricultural one and that the permit was only temporary. It is his own risk if he spends money; in some cases he may be prepared to take the risk, but if he does, he can only be compensated on the basis of what he is entitled to, and that is agricultural land. The other class of case is farm leases. These vary considerably. In some cases, they seem to give almost indefinite rights, but where the rights are restricted it is intended that where the Government have to resume in the

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interest they shall have to pay only the value of the land as farm land. If, for example, the farm lease allows the owner only to put up farm buildings and he chooses to cover the land with a factory, or a row of domestic buildings, then, if the Government should require to resume the land, he is to be paid only the value of the land as farm land. He has to abide by the risk he has taken. These are the two chief classes which the third main principle of the Bill will affect. The Government has taken the opportunity to provide for particular cases, which occur occasionally, when notices cannot be served owing to the absence of owners, and a clause has been inserted to provide that the provisions of this Bill shall not apply to any pending cases.

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

The Maintenance Orders (Facilities for Enforcement) Ordinance

THE ATTORNEY GENERAL moved the first reading of a Bill intituled, An Ordinance to facilitate the enforcement in the Colony of Maintenance Orders made in England or Ireland and *vice versa*, and to declare the application of the Married Women (Desertion) Ordinance, 1905, and to amend the said Ordinance.

OBJECTS AND REASONS

The object of this Bill, which originated from a resolution passed by the Imperial Conference in 1911, is to facilitate the enforcement in the Colony of maintenance orders made in England or Ireland and vice versa.

2.—It has been introduced on instructions from the Secretary of State for the Colonies, and reproduces the provisions of 10 and 11 George 5, chapter 33.

3.—By the provisions of the Bill, orders made against persons in England or Ireland, after notice to such persons, will be enforceable in the Colony, (provided such orders are registered here) in the same way as if they had originally been made in the Colony: and, by the provisions of 10 and 11 George 5, c. 33, the same applies *vice versa* to orders made against persons in the Colony, after notice to such persons. But order made against persons in England or Ireland in their absence, such persons being in the Colony, are provisional only, and do not take effect until confirmed by a magistrate in the Colony: and, by the provisions of 10 and 11 George 5, c. 33, the same applies *vice versa* to orders made in the Colony against persons in their absence.

4.—Clause 3 provides for the enforcement by a magistrate of maintenance orders made in England or Ireland.

5.— Clause 4 empowers the Governor to transmit to the Secretary of State for the Colonies for enforcement in England or Ireland maintenance orders made in the Colony.

6.—Clause 5 empowers a magistrate in the Colony to make provisional orders of maintenance against persons resident in England or Ireland.

7.—Clause 6 empowers a magistrate in the Colony to confirm provisional orders of maintenance made in England or Ireland against persons resident in the Colony.

8.— By Clause 11 the provisions of the Magistrates Ordinance, 1890, are applied to proceedings under the Bill.

9.—Clause 12 refers to the Married Women (Desertion) Ordinance, 1905. From the definition of "Married Women" in this Ordinance, and from the fact that no payment may be ordered under the Ordinance which exceeds 20 dollars weekly, it might be argued that the Ordinance was intended to apply only to persons of Chinese or Asiatic race. The present Bill is intended to cover all cases of maintenance orders, irrespective of nationality, and it is therefore advisable to remove all doubts as to the construction of the only local Ordinance under which such orders may be made.

10.—Clause 13 amends sections 4 and 6 of the Married Women (Desertion) Ordinance, 1905, by removing the provision that no order may be made for payment of more than 20 dollars weekly. The retention of this figure is now out of place in view of fluctuating exchange, the increased cost of living and the connection with the United Kingdom system.

11.—The other provisions in the Bill are either supplementary or consequential, and call for no comment.

THE ATTORNEY-GENERAL said—This Bill is introduced in accordance with instructions of the Secretary of State and

it is due to a resolution passed by the Imperial Conference in 1911. An Act has been passed in England to provide for the mutual enforcement of maintenance orders in England and in the Colonies, and that Act contains a section that, if any particular Colony makes a reciprocal condition, His Majesty will apply the Act to that particular Colony. When this Ordinance is passed here an Order in Council will follow applying the English Act to Hongkong, and it will be possible to enforce English maintenance orders here, and Hongkong orders in England. The Bill is mainly concerned with machinery, but it gives power to make a maintenance order against a person who is not resident here. It may be made in the absence of the defendant, but before it can be enforced in England—assuming that he lives there—the order has to be registered in England, and he has to be given the opportunity of showing cause against it. In the same way, if an order is made in England against a person resident here it can be enforced here only after notice to the defendant in this Colony. The only power in this Colony to make maintenance orders is under the Married Women's Desertion Ordinance, 1905. The scope of that Ordinance has been a matter of doubt for a good many years because of the definition of the term "married woman." It has been thought in some quarters that it refers only to persons of Asiatic race. Whatever it does mean it is thought better now to make it clear that it applies irrespective of race. That is the effect of clause 12. The Ordinance in question has also been amended so as to give power to increase the amount which may be awarded for maintenance. At present, the sum which may be awarded for maintenance must not exceed 20 dollars and that seems a very small sum. It is proposed to delete that restriction and to give the magistrate discretion to fix any sum he thinks reasonable in the particular case. I beg to move the first reading.

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

Amendment of the Criminal Procedure Ordinances, 1899-1913

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend the law relating to criminal procedure in the Supreme Court.

The "Objects and Reasons" attached to the Bill state:

1.—The object of this Bill is to effect three improvements in the criminal procedure of the Supreme Court.

2.—Clause 2 effects two alterations in the law. In the first place it gives the Full Court power to order a new trial upon a question of law being reserved by the trial judge. It is true that the Court of Criminal Appeal in England has no power to order a new trial, but the Judges have frequently expressed the opinion that that Court ought to have such a power. For instance, in *R. v. Bloom*, 4 Cr. App. R., at p. 35, the Lord Chief Justice (Lord Alverstone) said, "In this case we have a strong illustration of what we have had to observe many times, *viz*:—the importance that this Court should have power to order a new trial. It is impossible for the Court properly to perform its duties without that power." And in *R. v. Ellsom*, 7 Cr. App. R. at p. 8, Darling J in delivering judgment of the Court, which consisted of Lord Alverstone C. J. and Darling and Hamilton JJ. said, "In this case we desire to repeat and emphasise what the Lord Chief Justice has said on several occasions, that it appears to us after some years' experience of the working of this Act, to be a matter of great regret that we have no power to order a new trial, as can be done on appeal in a civil case where a verdict is set aside on such grounds as those on which we feel bound to act to-day. In this Court if a sufficient legal reason is advanced against the conclusion of a judge and jury, we have no alternative but to quash the conviction, and no further proceedings can be taken. This is a case, like many others which have come before us, where it is clearly desirable that all the facts should be submitted again to a jury with an adequate and proper direction. We hope that what we are now saying will be considered by those who have power to amend the law in this respect."

3.—In the second place Clause 2 provides that even if the question reserved might be decided in favour of the accused the Full Court may affirm the conviction if it considers that no substantial miscarriage of justice has actually occurred. This provision is taken from section 4 (1) of the Criminal Appeal Act, 1807, 7 Edward 7, c. 23. The chief application of this provision in England occurs where the ground alleged is mis-direction

as to the law or wrongful admission or rejection of evidence. The rule adopted by the Court of Criminal Appeal with regard to evidence wrongfully admitted has been that it will not act upon the above proviso in any case in which it appears to it clear that the jury may have been influenced by the evidence wrongfully admitted: see *R. v. Rodley* (1913) 3 K.B. 468.

4. — Clause 3 proposes to abolish the necessity of calling upon the accused after a verdict of guilty has been returned by the jury. The only object of calling upon the accused in this way is to give him an opportunity of moving in arrest of judgment. Motions in arrest of judgment are seldom made and they are very rarely successful. They are of necessity made upon technical grounds. If any such grounds are open to a defended prisoner his counsel may be trusted to bring them forward at the proper time, and an undefended prisoner is extremely unlikely to discover any such grounds. The clause still leaves it open to the accused to move in arrest of judgment after verdict and before sentence. Under the present rule of practice, by which the accused is called upon after verdict in cases of felony, the experience of those conversant with the Courts is that the accused either does not know what to say or else enters once more upon his general defence. This is mere waste of time, and is sometimes distressing, especially in capital cases.

THE ATTORNEY-GENERAL said—The Bill is intended to effect two main improvements in the criminal procedure of the Supreme Court. At present, if a point of law is reserved, after the conviction of a prisoner at the Sessions, and the Full Court is of opinion that the point raised is a good one, there is no option but to quash the conviction, however clear the rest of the evidence, and however clear the guilt of the prisoner may be. It is proposed now to give the Full Court power to confirm the conviction even if the point raised is a good one, provided that the Full Court considers that no substantial miscarriage of justice has occurred.

Sometimes it is impossible for the Court to say whether the jury might or might not have been influenced by the evidence improperly admitted—assuming it to be a case of that kind—and the Bill therefore proposes to give the Full Court power, on the point reserved, to order a new trial. The Court of Criminal Appeal has no power to order a new trial, but members of that Court have asked for that power and have gone so far as to say that it is impossible

to perform their duties properly without it.

The Bill also proposes to abolish the necessity of calling upon the prisoner after conviction. At present he is called upon to say whether he wishes to say anything why judgment should not be passed upon him. Very few prisoners understand that, even European. It is intended to give the man the opportunity of moving in arrest of judgment, which is rather a useless privilege to give the prisoner. Most prisoners say nothing or else try to re-open their case. It is often very distressing to juries who have just found a man guilty to hear him re-opening his case. I have never known a case where calling on the prisoner, after the verdict, has been of the slightest use. I beg to move the first reading.

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

The Non-Ferrous Metal Industry Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to repeal the Non-Ferrous Metal Industry Ordinance, 1919, and the Non-Ferrous Metal Industry Amendment Ordinance, 1920.

The "Objects and Reasons" attached to the Bill state:—It is recognised that the licence system introduced by the Non-Ferrous Metal Industry Ordinance, 1919, is of no practical use in Hongkong, which, as regards the metal industry, is a transshipping centre and not a producing country.

THE ATTORNEY-GENERAL said — The principal Ordinance was introduced shortly after the termination of the war—shortly after the Armistice—as part of a general measure to prevent former enemies from obtaining control of essential materials. The Government, sir, were not very enthusiastic about the introduction of the measure, at the time, but introduced it in deference to public opinion. It has been tried and it is now generally realised that it is not really of any use in Hongkong, which is not a metal producing country but a trans-shipping centre.

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

The Companies Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend further the law relating to Companies.

The "Objects and Reasons" attached to the Bill state:

1.—The object of this Bill is to introduce into the Companies Ordinances, 1911-1915, some amendments which experience has shown to be advisable, and to bring the law of the Colony into conformity with the China (Companies) Amendment Order in Council, 1919, which was published in the *Gazette* of the 30th January, 1920.

2.—*Clause 2.*—Articles of association must be printed and it is more convenient that the memorandum of association should also be printed.

3.—*Clause 3.*—(a). In the case of a company taking exactly the same name as that of a company which has been dissolved or is in course of being wound up, the inclusion of the year of its incorporation in the name of the new company will distinguish it from the old company.

(b)—At present a company which registers with a name too nearly resembling that of an existing company cannot be compelled to change its name. The amendment gives the Registrar of Companies power to compel such change.

(c)—In the case of a China company the British Minister, as defined by Section 2 of Ordinance No. 31 of 1915, is the proper person to approve of the change of name.

4.—*Clause 4.*—Sealed copies are used in this Colony in the place of office copies.

5.—*Clause 5.*—The law at present does not provide for the registration of the statutory declaration, although it should form part of the records of the company.

6.—*Clause 6.*—For the protection of shareholders and the public it is advisable that any communication subject to which the auditors' report is made should be filed with the Registrar of Companies so that it may be available for inspection.

7.—*Clause 7.*—(a). The amendment obviates the necessity for a statutory declaration being filed each year.

(b)—The amendment removes any doubt as to what is intended.

(c)—The amendment removes any doubt as to the meaning to be attached to the word "executed."

8.—*Clause 8.*—(a). It is thought desirable that the names of two principal officers of the company should be printed on all trade circulars and business letters on which the name of the company appears.

(b)—The Chinese characters prescribed at present for China companies do not convey the meaning intended.

(c)—The present penalty clause for Section 64 refers only to sub-Section (1) (a) of the section. The new sub-section now proposed is general.

(d)—This amendment is consequential on the above amendments.

9.—*Clause 9.*—It seems unnecessary to require private companies to lay profit and loss accounts, balance sheets and reports before a general meeting, or to require them to circulate balance sheets and reports to the members. Section 27 of the principal Ordinance expressly provides that private companies need not file profit and loss accounts and balance sheets.

10.—*Clause 10.*—The amendment prevents a company, which has never been capable of doing any business, from remaining on the register for more than one year. It is considered that no useful purpose is served by keeping on the register a company which fails to commence business within a year of its incorporation.

11.—*Clause 11.*—In the absence of these particulars it is practically impossible to trace Chinese owners of shares, the result being that they escape from any liability which may attach to their shares.

12.—*Clause 12.*—A prescribed form is unnecessary. It is more convenient that the verification should be to the satisfaction of the Registrar of Companies.

13.—*Clause 13.*—This gives the Governor power to alter or add to any of the forms or fees in the schedules to the principal Ordinance.

14.—*Clause 14.*—In the winding up of China companies or Hongkong China companies it might become necessary to appoint more than one official receiver in China. The amendment enables this to be done.

15.—*Clause 15.*—Creditors and contributories can always inspect the account

in the Official Receiver's Office, and it seems sufficient to publish a summary of the account in the *Gazette*.

16.—*Clause 16.*—This amendment is rendered necessary by the amendment of Section 217.

17.—*Clause 17.*—It is more convenient that all moneys in the Companies Liquidation Account at Hongkong should be in the hands of the Colonial Treasurer.

18.—*Clause 18.*—This amendment is made in order to render it clear that the fees referred to in Section 223 are for documents prepared, as well as certified, by the Registrar. The fees for certifying documents prepared outside the registry appear in Clause 22.

19.—*Clause 19.*—This amendment is consequential on Clause 13.

20.—*Clause 20.*—(a) It is unnecessary to prescribe a time.

(b)—A prescribed form of certification is unnecessary.

21.—*Clause 21.*—This gives the Governor power to prescribe certain forms.

22.—*Clause 22.*—These fees are considered reasonable. Some of them were not provided for, because, apparently, the documents and work in respect of which they are charged were not contemplated. The only fee which needs explanation is that for initialling alterations. Its object is to ensure that correct copies are submitted for collating and certifying. In one set of documents, which was sent to the Registrar of Companies to be certified, over 1,500 alterations had to be initialled.

23.—*Clause 23.*—The company is not in existence at the time that this notice has to be sent. The promoters are, therefore, the proper persons to send it.

24.—*Clauses 24, 25 and 26.*—Clauses 25 and 26 contain the provisions of Articles 3 and 4 of the China (Companies) Amendment Order in Council, 1919, and Clause 24 makes a necessary consequential amendment.

25.—*Clause 27.*—Clause 27 of the Bill introduces the provisions of the Companies Act, 1913.

THE ATTORNEY-GENERAL said—The reason why we have to introduce this Bill is to

introduce here the provisions of the China (Companies) Amendment Order in Council, 1919. The provisions appear in Clauses 25 and 26 of the Bill. They are an attempt to obtain a fuller control, by the British authorities in China, over companies which are registered here but which carry on all their business and have all their assets in China. The original China (Companies) Order in Council provided that such companies must have a majority of British directors, but it was found that that did not give a sufficient control, because directors might be resident outside China altogether and so be out of the jurisdiction of British authorities in China. The recent Order provides that a person who exercises the general or substantial control of the company must reside in China, and must be a British subject, thus giving the British courts in China sufficient jurisdiction over such companies. As the company is registered here, and as the British courts in China exercise jurisdiction in accordance with our Ordinances, it is necessary to introduce here similar provisions to those of this Order in Council. There has been considerable delay in introducing these provisions here. It was due to the discussion of the effect of the recent Order in Council both with the authorities in China and those in the United Kingdom. There was a certain amount of inconvenience and alarm at the time, but I think that the inconvenience has disappeared, and things have settled down quite quietly, under the Order in Council. A number of other amendments in the Companies Ordinance have been collected and are now embodied in this Bill. I do not think, I need, at this stage, go into them fully; they are most of them matters of detail. The Bill was referred to the Chamber of Commerce on two occasions. On the first occasion, we adopted all the proposals of the Chamber. One was that which appears in paragraph (a) of Clause 8 to the effect that a company must have the names of two principal officers printed on all trade circulars, trade catalogues, show cards, and business letters on which the name of the company appears. The Bill does not specify what principal officers, but gives the company a certain discretion as to which two they would like to place on their circulars. Clause 15 is also amended on the suggestion of the Chamber of Commerce and provides that the liquidator's account in a company's winding-up need not be printed and circulated to all the shareholders and

contributories, but that a summary of it shall be published in the *Gazette*. The chief objection to circulating the account is that it means extra expense. We have also omitted, on the suggestion of the Chamber of Commerce, one provision which appeared in the original draft. One of the members of the committee appointed to consider this Bill took exception to the form of the Bill. It is, of course, in some ways objectionable that the law should be amended by the deletion of words and the insertion of other words, because it does not show very clearly what the new provision is exactly. But, for my part, I think there is something to be said for that method. If you take the original Ordinance and the amending bill and look at them side by side it is perfectly clear what alterations have been made whereas, if one re-drafts the whole section, it is hard to say what change is made by the amending Ordinance. The Bill was referred again to the Chamber at a later date and four criticisms were made. On Clause 13, which proposes to give the Governor in Council power to alter, that is, to add to, or rescind, or increase, or decrease any of the fees payable to the Registrar of Companies, it is suggested that perhaps this is an unusual power to give the Governor in Council. It is not unusual here, though, of course, it is unusual in England to give such power to the Executive. But the Government are prepared to reconsider that point, if necessary and to alter the section so as to give the Legislative Council power to approve what is passed by the Governor in Council, if members think that that should be done. In clause 25 the Chamber suggested that the first line should read "where the substantial control of the business of the company is exercised." The Government are unable to accept that proposal because we have to follow the exact wording of the China (Companies) Order in Council. The last clause of the Bill introduces here the provisions of the Companies Act, 1913, which is to the effect that, if a private company fails to comply with its articles which restrict it in certain ways, it ceases to have the privileges conferred on private companies by the Ordinance. A private company is defined in the principal Ordinance as a company which, by its articles, restricts itself in certain ways. There is nothing, at present, to prevent a company

inserting these articles, disregarding them, and going on its way with all the privileges of a private company while not observing the liabilities of a private company. This clause provides that, if it does not, it ceases to enjoy the privileges of the Ordinance conferred on private companies. I beg to move the first reading.

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

Adjournment

H.E. THE GOVERNOR—The Council will now adjourn to this day week at 2.30 p.m.

FINANCE COMMITTEE.

A meeting of the Finance Committee was afterwards held, the COLONIAL SECRETARY presiding.

A Harbour Office Vote

The Officer Administering the Government recommended the Council to vote a sum of \$1,000 in aid of the vote Harbour Master's Department, Special Expenditure, New Hull for H.D. 3.

THE CHAIRMAN—The accepted tender by Kwong Hip Loong for a new hull is \$7,000. A sum of \$6,000 is provided in the Estimates. Therefore, \$1,000 more is required.

Approved.

Motor Meat and Poultry Vans

The Governor recommended the Council to vote a sum of \$21,500 on account of Sanitary Department, Special Expenditure, Motor Meat and Poultry Vans.

THE CHAIRMAN—For these motor meat and poultry vans the sum of \$15,000 was provided, in 1920, but the vote lapsed because the vans were not delivered. The cost of the vans is considerably more than was estimated and certain incidental expenses bring the total cost to \$21,500, which is now asked for.

Approved.

The Census

The Governor recommended the Council to vote a sum of \$10,000 in aid of the vote Miscellaneous Services, Special Expenditure, Census Expenses.

THE CHAIRMAN—The amount provided was \$15,000. The actual cost is estimated at about \$24,000. To be on the safe side we are asking for a total of \$25,000.

Approved.

The Volunteer Defence Corps

The Governor recommended the Council to vote a sum of \$7,000 in aid of the vote Military Expenditure, B.—Volunteer Defence Corps, Other Charges, Uniform, including boots.

THE CHAIRMAN—The additional sum is required principally for the Scottish Company of the Hongkong Volunteer Defence Corps. The numbers are greater than had been expected, and it may be necessary owing to the popularity of the particular Company to come to the Council for more money later on.

Approved.

Sterilizer for the Operating Theatre

The Officer Administering the Government recommended the Council to vote a sum of \$160 on account of Medical Department, Other Charges, Sterilizer for the operating theatre.

THE CHAIRMAN—The steriliser at the Government Civil Hospital got out of order and as it was very urgently needed another was bought. It is desirable that there should be two in case of a break-down of one of them.

Approved.

Praya Improvements

The Officer Administering the Government recommended the Council to vote a sum of \$25,000 on account of Public Works, Extraordinary, Hongkong, Communications, Roads: Raising the Praya Wall, Surfacing with setts in the Government portion of roadway between Whitty Street and Kennedy Town—between the tracks, and surfacing the remainder of road with Macadam.

THE CHAIRMAN—The Tramway Co. is now relaying its track and it is desirable that the track, the roadway and the Praya wall should be raised. The total cost is estimated at \$73,719, but much of this work consists of improving the carriage way surfacing, and this can stand over till next year. The immediate and essential work is the raising of the Praya wall, surfacing with setts the portion of the roadway between the tracks between Whitty Street and Kennedy Town, for which the Government is responsible, and surfacing the remainder of the road with macadam. The total cost of this urgent work is \$25,000, and that amount is now asked for.

Approved.

Praya East Reclamation Scheme

The Governor recommended the Council to vote a sum of \$194,800 in aid of the vote Public Works, Extraordinary, Hongkong, Praya East Reclamation Scheme, (46) Road improvement at Arsenal Street, Resumption and alterations of buildings.

THE CHAIRMAN—The sum required for resuming the buildings and land included in numbers 5, 6, 7 and 8 on the Praya East known as Blue Buildings is \$190,000 and the marine rights of that land and of marine lot 65 come to \$104,800 which will make a total of \$294,800. The provision made in the Estimates under Public Works Extraordinary, item 46, is \$100,000, and this vote is for the balance. I may add that it will eventually be a very profitable thing for the Government to acquire these buildings and marine rights so that I trust we shall not be out of our money very long.

HON. MR. POLLOCK—What is the cause of the excess?

THE DIRECTOR OF PUBLIC WORKS explained that it was not intended originally to purchase the whole of the buildings and marine rights.

THE CHAIRMAN—I can show members who desire to see it, a plan. The original intention was to resume only so much as we required for the 100ft. road, making an imaginary diagonal line across the property, but that was found to be not so good a bargain for the Government as resuming the whole. By this the Government gets a portion of the Praya

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which will probably become most valuable, and a part of which may be required for public purposes which were not foreseen when the original plan was made.

Approved.

Fire Brigade

The Officer Administering the Government recommended the Council to vote a sum of \$16,600 in aid of the vote Police and Fire Brigade, Special Expenditure, Difference between cost of two motor pumps (\$32,000) and amount provided for in the Estimates for one motor pump (\$8,400) and one patrol wagon (\$7,000).

THE CHAIRMAN — There was provision made for a patrol wagon but the needs of the Fire Brigade in Victoria are urgent and it has been decided to get two more motor pumps for Victoria instead of one patrol wagon. There are three motor pumps, one of which has been sent over to Kowloon. There will now be four motor pumps available for Victoria. The increased cost of the pumps is due to drop of exchange and rising prices at home.

Approved.

New Buoys for Deep Bay Channel

The Governor recommended the Council to vote a sum of \$450 on account of Harbour Master's Department, Other Charges, New buoys for Deep Bay Channel.

THE CHAIRMAN — These buoys have disappeared. They have either sunk or drifted away and it is necessary to replace them.

Approved.

Repairs to Railway Embankment

The Governor recommended the Council to vote a sum of \$4,760 on account of Kowloon-Canton Railway, Special Expenditure, Repairs to Railway Embankment.

THE CHAIRMAN—This is an embankment at the fifteenth mile on the railway. It is hoped in rebuilding to divert the rush of water which comes from the river, and so avert the washing away of the bank. The original work was not sufficiently good.

Approved.

Additions to Revenue Staff

The Governor recommended the Council to vote a sum of \$3,647 in aid of the vote Imports and Exports Department, Personal Emoluments.

THE CHAIRMAN—It has been necessary, on account of the increased liquor duties and the smuggling of opium to add to the staff one European officer and ten Chinese revenue officers. This amount is required for their salaries.

Approved.

Belilios Girls School

The Governor recommended the Council to vote a sum of \$10,500 on account of Public Works, Extraordinary, Buildings, Belilios Girls' School—Adaptation and alterations to recently erected teachers' room and existing cloak room to Class Rooms, etc.

THE CHAIRMAN — These are rooms urgently required at Belilios Girls School. The buildings are very crowded and no doubt further work will be required later on. This work is urgent.

Approved.

Motor Coaches and Trailer

The Governor recommended the Council to vote a sum of \$283,000 on account of Kowloon-Canton Railway, Special Expenditure, two Motor Coaches and one Trailer.

THE CHAIRMAN — This sum is the equivalent of gold dollars 127,000. Hon. members are aware of the purchase of two motor coaches and one trailer. This amount is required for the purchase and also includes the cost of sending our locomotive superintendent to America to superintend the construction.

Approved.

Cape d'Aguilar Wireless Station

The Governor recommended the Council to vote a sum of \$2,800 in aid of the vote, Post Office, Personal Emoluments, Salary for Mr. Bradshaw, Superintendent of Wireless Telegraphy, for the period from 1st June to 31st December, 1921.

THE CHAIRMAN—The Government has now to provide the staff for the wireless station at Cape D'Aguilar. This sum is required for the salary of the Superintendent. Other sums will be required later for the staff. The new staff will take over from the Naval Staff probably within the next two months.

Approved.

The Health Officer of the Port

The Governor recommended the Council to vote a sum of \$2,012 in aid of the vote Medical Department, Office of Health Officer of Port, Personal Emoluments.

THE CHAIRMAN—This is for leave pay to Dr. Jordan, and is one of the terms for the relinquishment of the post of Port Health Officer. He is leaving the Colony this afternoon.

Approved.

Improvements to Kowloon Buildings

The Governor recommended the Council to vote a sum of \$1,000 in aid of the vote Public Works, Recurrent, Kowloon, Buildings, Improvements to Buildings.

THE CHAIRMAN—The sum of \$1,500 was provided for building improvements in Kowloon. So much work has fallen on this vote including a sum of \$596 for electric lights and fans for Kowloon British School that the vote is exhausted, and it is estimated that a further \$1,000 is required this year.

Approved.

Fire Brigade Equipment

The Governor recommended the Council to vote a sum of \$680 in aid of the vote Police and Prison Departments, *B.*—Fire Brigade, Special Expenditure, one Extension Ladder.

THE CHAIRMAN—This was urgently required.

Approved.

Searchlights for Fire Floats

The Governor recommended the Council to

vote a sum of \$5,000 on account of Police and Prison Departments, *B.*—Fire Brigade, Special Expenditure, one Searchlight set for No. 1 Fire Float.

THE CHAIRMAN—It was found, in working the fire-float at fires, recently, that it is very difficult to approach the shore and get the fire-float to work without having a search-light at the bow. Arrangements have been made to fix a search-light to both floats. This is for No. 1 float.

HON. MR. HOLYOAK—Is it not more important to improve the pumping powers of the float itself?

THE CHAIRMAN—This is to enable the float to get in to the shore. They could not get the float into position, especially at two recent fires,—Bailey's Yard was one case. It is extremely difficult to get the float in at night.

HON. MR. HOLYOAK—I think you are aware, Sir, that a report went in to the Chamber of Commerce on the inefficiency of the whole of that fire service.

THE CHAIRMAN—Yes, I did not mention this in the various votes we have been having. A report is being drawn up by the Superintendent of the Brigade which we hope will soon be available. A new station is about to be built. Mr. Wolfe has studied, at home, the whole question of what is required and is producing a report.

HON. MR. HOLYOAK—I agree, only I hope a good deal more will be spent.

Approved.

Water Meters at Kowloon

The Governor recommended the Council to vote a sum of \$6,000 in aid of the vote Public Works, Recurrent, (36) Kowloon, Water Account, (Meters, etc.).

THE CHAIRMAN—Building development in Kowloon has been so rapid that the vote for meters and other services is exhausted, and it is estimated that \$6,000 more will be required.

Approved.

Government House Maintenance

The Governor recommended the Council to vote a sum of \$2,000 in aid of the following votes:—

Governor, Other Charges, Electric Fans and Light for Rooms	\$1,000
Governor, Other Charges, Incidental Expenses	1,000
	\$2,000
Total	\$2,000

THE CHAIRMAN—Votes for Government House. Since the war, they were cut down and have not been increased. The result is now that they are exhausted. I had a report from the private secretary in respect of two votes; electric light and fans, and incidental expenses. For the former, in 1919, the expenses were \$1,200 and in 1920, \$1,100. The sum provided was \$600. The vote was formerly \$2,000 and was cut down in the present year, to \$1,000 in consideration of a furniture vote of \$2,000. The extra-ordinary expenditure on furniture has continued into this year. Prices have increased, and it would be advisable to supplement each vote by \$1,000.

Approved.

The Railway Clock

The Governor recommended the Council to vote a sum of \$1,236 in aid of the vote Kowloon-Canton Railway, Special Expenditure, Installation of Clock.

THE CHAIRMAN—The vote of \$2,234 lapsed last year and only \$1,000 was included in the estimates this year. It will be seen that the amount required now is almost exactly the amount formerly voted.

Approved.

Water Supply for Repulse Bay

The Governor recommended the Council to vote a sum of \$2,000 in aid of the vote Public Works, Extraordinary, Hongkong, Waterworks, (43), 3" main from Wongneichong Gap Reservoir to Repulse Bay.

THE CHAIRMAN—This is a supply of water to various buildings at Repulse Bay. Leaseholders were informed that if enough houses were built, the Government would provide water supply and it has become apparent now from the number of houses being built, and about to be built, that this water supply is necessary.

HON. MR. BIRD—Will this be for the use of owners generally, or will some have to provide their own water and some get it from the Government?

THE DIRECTOR OF PUBLIC WORKS—The Government is paying the greater part: one-third of the cost has been divided up amongst the leaseholders, pro-rata to the cost of installation.

Approved.