

16TH FEBRUARY, 1922.

**PRESENT:—**

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

H.E. MAJOR-GENERAL SIR JOHN FOWLER, K.C.M.G., C.B., D.S.O. (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. R. HALLIFAX, O.P.E. (Secretary for Chinese Affairs).

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

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

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

HON. MR. LAU CHU-PAK.

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

HON. MR. A. G. STEPHEN.

HON. MR. A. O. LANG.

HON. MR. CHOW SHOU-SON.

MR. A. G. M. FLETCHER, C.B.E. (Clerk of Councils).

**Minutes**

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

**Finance**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table financial minutes Nos. 4 to 13 and moved that they be referred to the Finance Committee.

THE COLONIAL TREASURER seconded, and it was agreed to.

THE COLONIAL SECRETARY, by command of H.E. the Governor, also laid on

the table the report of the proceedings of Finance Committee, No. 1, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and the motion was approved.

**By-Laws Approved**

THE COLONIAL SECRETARY laid on the table for approval by the Council, by-laws under section 16 of the Public Health and Buildings Ordinance, 1903, for the amendment of the Importation and Inspection of the Animals By-laws, for the maintenance of Order in Depots, for the Maintenance of Order in Slaughter-houses, and for the cleansing of buildings.

THE COLONIAL SECRETARY moved the approval of these by-laws.

THE ATTORNEY-GENERAL seconded, and for the by-laws were approved.

**Papers**

THE COLONIAL SECRETARY, by command of H.E. the Governor, also laid on the table the quarterly return of excesses on sub-heads met by savings under heads of expenditure for the fourth quarter of 1921; regulation under section 6 of the Dogs Ordinance, 1893, dated 19th January, 1922; rule under section 18 of the Prison Ordinance, 1899, dated 26th January, 1922; order under section 9 of the Post Office Ordinance, 1900, dated 26th January, 1922; regulation under section 25 (4) and 42 of the Merchant Shipping Ordinance, 1899, dated 26th Jan., 1922; regulations under section 4 of the Stamp Ordinance, 1921, dated 26th January, 1922; declaration under the Societies Ordinance, 1920, dated 1st February, 1922; order under section 119 (2) of the Companies Ordinance, 1911, dated 29th January, 1922; declarations under the Societies Ordinance, 1920, dated 8th February, 1922; and order under section 4 of the Importation and Exportation Ordinance, 1915, daed 8th February, 1922.

**The Late Sir Henry May, G.C.M.G.**

H.E. THE GOVERNOR—Hon. members of the Legislative Council, I rise to move the resolution that stands in my name. It runs as follows:—

"The Legislative Council of Hongkong have received with profound regret the news of the death of Sir Henry May, G.C.M.G., L.L.D., formerly Governor of Hongkong and for many years a member of the Council. In expressing their deep sympathy with Lady May and her daughters in their bereavement, the members of the Council desire to place on record their sense of the very valuable services rendered to Hongkong by Sir Henry May during his long and distinguished career in the Colony."

H.E. THE GOVERNOR continued — I myself did not have the pleasure of serving with Sir Henry May at any time, but I have known him for more than twenty years and in common, I am sure, with everybody who knew him, I had the highest respect and regard for his character. I think there is little that I can say with regard to his career in the Colony which has not already been said by the Colonial Secretary, two years ago, on the occasion of the announcement of Sir Henry May's resignation. His long career in this Colony covered a great period of development in all directions and in that development Sir Henry May himself played a very great part. His life was bound up with the Colony, and the Colony, in many ways, will remember it, and its development will stand as a memorial to Sir Henry.

It was possible for anybody who knew Sir Henry May to differ from his opinions on many subjects, but I am quite sure that it was not possible for anybody to have the slightest doubt that the opinions he expressed were those he honestly held and that they were formed in what he believed to be the best interests of the Colony to which his life was devoted.

I have noticed one omission in the accounts of Sir Henry May's life which have appeared in the Press here and that is that, about the beginning of the year 1907, Sir Henry May was offered the post of Lieut.-Governor of Ceylon—an appointment which has always been regarded as one of the prizes of the

Colonial Service and as almost certain to lead, in the future, to a Governorship. Sir Henry May, as matter of fact, had accepted the appointment but just at that time Sir Matthew Nathan had his unfortunate accident and Sir Henry May's first act was to report to the Secretary of State that, in view of this accident, he felt that his services were needed in Hongkong and he desired to withdraw his acceptance of the post of Lieut.-Governor of Ceylon. That, gentlemen, is a striking indication of the value he attached to his connection with this Colony and his readiness to sub-ordinate his own interests to what he believed to be the interests of the Colony.

HON. MR. H. E. POLLOCK, K.C., said—Sir, on behalf of the unofficial members of the Council, we desire to associate ourselves completely with the words which have just fallen from your Excellency. We pay sincere tribute to the memory of Sir Henry May as being a hard working and conscientious official who sacrificed not only his health, his strength, but even his life in the public service of this Colony and for the promotion of its work.

HON. MR. LAU CHU PAK — Sir, my Chinese colleague and I beg respectfully to associate ourselves with the sentiments expressed by your Excellency and by the senior unofficial member. The news of Sir Henry May's death was received by the Chinese here with genuine sorrow, for although we did not all times altogether see eye to eye with him in some of his public policies, we have learned to retain for him high esteem and respect. He gave practically the whole of his working life to this Colony and never spared himself in seeking the public weal. Since his retirement the results of some of his work have become more apparent to us and time only increases our appreciation. Now that he has gone, his work lives after him. His death is mourned by the Chinese Community and it is in their name that I now respectfully support this resolution of sympathy.

The members of the Council had remained standing while these addresses were being spoken; the resolution was carried in silence and the President intimated that it would be communicated to Lady May and her family by the Clerk of Councils.

### The Pavilion for The Prince

HON. MR. A. O. LANG, pursuant to notice previously given, asked the following questions:

Will the Government state:—

- 1.—What, if any, use is to be made of the Building, now under erection, on "The Finest Site" after the visit of His Royal Highness the Prince of Wales?
- 2.—What, if any, precautions are being taken to cope with an outbreak of Fire during the erection of such Building?
- 3.—Whether the risk of Fire, and that of damage by Typhoon, has been covered by Insurance?

THE COLONIAL SECRETARY replied—

- 1.—No decision has been come to.
- 2.—The Chief Officer of the Fire Brigade has placed fire appliances on the premises and he has the fire-float in close proximity.
- 3.—The risk of fire, but not that of typhoon, is covered by insurance.

### Police Supervision Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to provide for police supervision of certain persons.

The "Objects and Reasons" state—

1.—The object of this bill is to provide for police supervision of certain persons. It is highly desirable that, for the prevention of crime, the police should be able to keep track both of persons who have been convicted of serious offences, and also of persons who are known to be bad characters.

3.—Clause 2 defines "crime" for the 8 of the Prevention of Crimes Act, 1871 (34 and 35 Vict. c. 112).

3.—Clause 2 defines "crime" for the purposes of the bill, as any felony, or any misdemeanour under the Coinage Offences Ordinance, 1865, or certain offences under the Larceny Ordinance, 1865, or the offence of conspiracy to defraud. This definition is based on the definition contained in section 20 of the Prevention of Crimes Act, 1871. Persons who are twice

convicted of any of these offences may be dealt with under clause 3 of the bill.

4.—Clause 3 empowers a magistrate or judge to order the police supervision of any person who is convicted of a crime after a previous conviction of another crime. The maximum period of such supervision is two years in summary cases and seven years on indictment.

5.—Clause 4 gives the Governor in Council power to order the police supervision for a period not exceeding seven years of certain classes of persons. The object of the clause is to make it possible for the police to watch and control the movements of persons who are known to be bad characters, but who do not come under the provisions of clause 3 of the bill. In some cases supervision will probably take the place of deportation.

6.—Clause 5 provides for the service and explanation of supervision orders, and authorises a form of certificate to be given by the police officer entrusted with these duties.

7.—Clause 6 requires every person under police supervision to notify his residence or change of residence to the police.

8.—Clause 7 enacts that male persons subject to police supervision shall further report personally once in each month to the police as ordered. In order to allow more freedom of movement in special cases, the Captain Superintendent of Police is authorised to make a special order dispensing in any case with full compliance with this rule. Sub-clause (2) provides for cases in which the Captain Superintendent of Police may give permission to leave the Colony.

9.—Clause 8 enacts that police supervision orders shall be suspended during any term of imprisonment.

10.—Clause 9 provides that the finger prints on any police supervision order shall be presumed to be those of the person against whom the order was made.

11.—Clause 10 provides a penalty of two hundred had fifty dollars or six months imprisonment for offences against the Ordinance.

12.—In the schelule to the bill, two alternative forms of Form No. 1 are given, for use in summary cases, and on indictment respectively.

THE ATTORNEY-GENERAL in moving said—The object of the Bill is to provide for police supervision of persons who have been convicted of crimes of a certain class and other suspected and dangerous persons. The Bill is based on the English Prevention of Crimes Act, 1871, and it deals with two classes of persons: first of all, those convicted twice of crime, as defined by the Bill, and, secondly, those who go before the Governor in Council on deportation proceedings. The Bill defines crime in a somewhat narrow way but that definition is based on the definition in the English Act. Any person convicted twice of any crime included in the definition may be ordered to be placed under police supervision for a period of years, —two years upon summary conviction and seven years upon conviction on indictment before the Supreme Court. The Bill provides that persons liable to deportation, or who would be liable if they were not British subjects, may be ordered by the Governor in Council to undergo police supervision for any period not exceeding seven years. It is quite possible that, in some cases, that may take the place of deportation, and it would be especially useful in the case of persons whom it is not possible, on account of nationality, to deport. Persons under police supervision, will have to report their changes of address to the police, and male persons will have to report personally once each month to the most convenient police station. The Bill has been asked for by the police and I think that anything in reason which they think may assist them in their difficult task of combating crime should be granted.

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

### The Opium Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend further the Opium Ordinance, 1914.

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

1.—The object of this bill is to amend further the Opium Ordinance, 1914.

2.—Clause 2 adds a new sub-section to section 30 of the principal Ordinance to the

effect that no person shall smoke opium in an opium divan. At present this is not definitely specified as an offence in the Ordinance, and persons found smoking in divans are charged under section 30 with using an opium divan. It is perhaps open to doubt whether the use of this section for this purpose is correct, since the rest of the section is applicable only to opium divan keepers. That the offence of smoking in a divan was contemplated by the framers of the Ordinance seems clear from the present section 31, and it is therefore considered advisable definitely to prohibit such smoking.

3.—Clause 3 of the bill authorises additional presumptions in the principal Ordinance. In the majority of prosecutions for keeping opium divans it is necessary to prove an actual sale of opium, and difficulty of proving the makes it almost impossible to bring home the offence. The first part of clause 3 therefore authorises the presumptions that, where two or more persons are found smoking opium in any place, themselves not being residents there, (a) the place is an opium divan, and (b) the tenant or occupier is keeping an opium divan there, provided that the tenant or occupier or one of his servants is present at the time. The second part of clause 3 merely reenacts the existing section 31 of the Ordinance.

4.—Clause 4 provides an alternative penalty for breaches of section 46 of the principal Ordinance, in conformity with the alternative authorised in section 61.

5.—Clause 5 of the bill corrects an obvious error in drafting in section 61 of the principal Ordinance.

THE ATTORNEY-GENERAL in moving said—This bill has four objects. One is to make it quite clear that smoking opium in an opium divan is an offence. It has hitherto been treated as an offence but there is some slight doubt as to the meaning of the section under which prosecutions have hitherto been brought, and this Bill makes it clear by an express provision that smoking opium in a divan is an offence. In the second place, it proposes to facilitate proof that a place suspected of being an opium divan is an opium divan: it does that by enacting a certain presumption—that where two or more persons are found smoking opium in any place, such persons

not being residents in the said place, it is to be presumed, until the contrary is proved, that that place is an opium divan and that the tenant or occupier is the keeper of the divan. In the third place it provides that, in the case of offences against section 46 of the principal Ordinance the Magistrate shall have the option of two maximum penalties — one, the present maximum of \$5,000 and the other ten times the market value of the opium in respect of which the offence is committed. That second alternative already exists in the general penalty section of the Ordinance but it does not apply, at present, to offences under section 46. In the fourth place, the Bill corrects an obvious drafting error in one of the penalty sections of the principal Ordinance and makes it clear that the penalty referred to can be imposed on summary conviction. I beg to move the first reading.

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

#### **Crown Lands Resumption Ordinance**

H.E. THE GOVERNOR—The next item on the paper (a Bill to amend the Crown Lands Resumption Ordinance) it is proposed not to proceed with as certain hon. members desire further time for consideration.

#### **Treaties of Peace Ordinance**

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to modify certain provisions of the Treaty of Peace Order, 1919, the Treaty of Peace (Austria) Order, 1920, the Treaty of Peace (Bulgaria) Order, 1920, and the Treaty of Peace (Hungary) Order, 1921, as amended, for the purpose of adapting the provisions of the said Orders to the circumstances of the Colony of Hongkong.

THE COLONIAL SECRETARY seconded, and the second reading was approved.

The Council went into Committee to consider the Bill clause by clause: it was approved in Committee with the addition of a marginal note to clause 2, and on the Council being resumed,

THE ATTORNEY-GENERAL moved, and the COLONIAL SECRETARY seconded, the

third reading, which was approved.

The Bill passed accordingly.

#### **The Volunteer Amendment Ordinance**

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to amend further the Volunteer Ordinance, 1920

THE COLONIAL SECRETARY seconded, and the second reading was approved.

The Council went into Committee to consider the Bill clause by clause: it was approved in Committee without amendment, and on the Council being resumed,

THE ATTORNEY-GENERAL moved, and the COLONIAL SECRETARY seconded, the third reading, which was approved.

The Bill passed accordingly.

#### **Maintenance Orders (Facilities for Enforcement) Amendment Ordinance**

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to amend the Maintenance Orders (Facilities for Enforcement) Ordinance, 1921.

THE COLONIAL SECRETARY seconded, and the second reading was approved.

The Council went into Committee to consider the Bill clause by clause: it was approved in Committee without amendment and on the Council being resumed,

THE ATTORNEY-GENERAL moved, and the COLONIAL SECRETARY seconded, the third reading, which was approved.

The Bill passed accordingly.

#### **Indemnity Ordinance**

The second reading of the Bill intituled, An Ordinance to restrict the taking of legal proceedings in respect of certain acts and matters done during the war and to provide in certain cases remedies in substitution therefor, was again deferred.

### The Adjournment

H.E. THE GOVERNOR — Gentlemen, the business which will come before the next meeting of the Council is primarily the Jury List and it is not absolutely certain that the list will be ready next week. I propose that we adjourn to this day week and if the list is not ready we shall have to adjourn for a little longer.

The Council then rose.

### FINANCE COMMITTEE.

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

#### Repairs to Railway Embankment

The Governor recommended the Council to vote a sum of \$600 on account of Kowloon-Canton Railway, Special Expenditure, Repairs to Railway Embankment.

THE CHAIRMAN—This sum is a re-vote of a portion of the sum of \$4,760 voted last year. The work of repairing the embankment was not finished by the end of the year.

Approved.

#### Produce Shelter at Taipo Market.

The Governor recommended the Council to vote a sum of \$400 on account of Kowloon-Canton Railway, Special Expenditure. Produce Shelter, Taipo Market

THE CHAIRMAN—This, also, is a revote of the balance of the money provided ast year. The work was not completed at the end of the year.

Approved.

#### Loco Yard at Lowu

The Governor recommended the Council to vote a sum of \$15,000 on account of Kowloon-Canton Railway, Special Expenditure, Loco Yard at Lowu.

THE CHAIRMAN—This vote requires some explanation. The original estimate for this work when the estimate was prepared in 1920 for the year 1921 was \$45,000. This sum was

subsequently reduced to \$27,466, and later to \$25,000 as it was proposed to use old rails. Finally the estimate was \$35,213, the sum being increased from \$25,000 for the following reasons: Owing to the increase in the cost of labour and material, the vote for earthwork and drains was raised from \$5,190 to \$6,111; the work on the carriage shed and bed, from \$10,974 to \$15,774; the estimate for track and crossings from \$8,776 to \$9,829; and a new head for tank and water supply \$3,500—making a total of \$35,213. Under earthwork and drainage the increase was due to more filling being required than was originally estimated. Under carriage shed and bed, the increase was due to the foundation being found to consist of soft sub-soil and to the increased cost of materials. The increase under "track and crossings" is due to increased cost of ballast and sleepers. The last head—tank and water supply—was not included in the reduced estimate of \$25,000 so it became a new estimate of \$2,500. Finally it was found to cost \$3,500, due to increased cost of materials and labour. The work is going on, but a sum is required this year of \$15,000 to complete it.

Approved.

#### Railway Wages

The Governor recommended the Council to vote a sum of \$118 on account of Kowloon-Canton Railway, Special Expenditure, Locomotives.

THE CHAIRMAN—This sum is required to pay the wages of men employed in dismantling and erecting locomotives.

Approved.

#### Site for New Saiyingpun School

The Governor recommended the Council to vote a sum of \$158,949 in aid of the vote Public Works, Extraordinary, Hongkong, Public Health and Buildings Ordinance, 1903, (41) Compensation and Resumptions.

THE CHAIRMAN—This sum is required in connection with the resumption of Inland lot 755, Bonhom Road, from the Catholic Mission. The site is required for the new Saiyingpun School. From this amount \$27,297 will be deducted as premium on a new site to be granted to the Mission, in Broadwood Road.

Approved.

**Fire Hose, etc.**

The Governor recommended the Council to vote a sum of \$191 on account of Kowloon-Canton Railway, Special Expenditure, Fire Hose, etc.

THE CHAIRMAN — This is required to supplement the sum of \$900 provided in last year's estimates. The cost in sterling was £147 12s.

Approved.

**Railway Vote**

The Governor recommended the Council to vote a sum of \$1,028 on account of Kowloon-Canton Railway, Special Expenditure, Motion Plates and Cylinders for Locos 3 and 4.

THE CHAIRMAN—This is a supplementary vote. Under "Special Expenditure" last year \$4,800 was provided for this purpose. The actual cost of the motion plates and cylinders was \$5,828, leaving a balance of \$1,028.

Approved.

**Temporary Rickshaw Shelters for Kowloon**

The Governor recommended the Council to vote a sum of \$4,700 on account of Public Works, Extraordinary, Kowloon, Erection of temporary Ricksha Shelter with latrine attached in Kowloon.

THE CHAIRMAN — The Captain Superintendent of Police requested that certain temporary ricksha shelters with latrines attached, should be erected in various places in the Kowloon peninsula. The estimates for these places are: One at Yaumati \$1,100; one at Mongkok, \$900; one at Samshuipo, \$900; one at Hunghom, \$900; and one at Kowloon City, 900—a total of \$4,700. The Captain Superintendent pointed out in making this application that the only shelter at Kowloon at present was that at the Star Ferry pier.

Approved.

**Re-arrangement of Certain Kowloon Inland Lots**

The Governor recommended the Council to vote a sum of \$6,500 on account of

Public Works, Extraordinary, Kowloon, Re-arrangement of Kowloon Inland Lots No. 629, 630, 631 1111.

THE CHAIRMAN—This sum is required for levelling a large area. One of the conditions of the re-arrangement was the Government should pay for the levelling.

HON. MR. POLLOCK—Where are these lots, sir?

THE CHAIRMAN—They are on Nathan Road, what is called now Coronation Road. The north end of the lots is on Waterloo Road and the position of the lots did not fit in with the layout of Nathan Road and the adjoining roads. There was a considerable amount of cutting to be done. The matter dates back over three years. The original application in fact was in October, 1917. The development of these lots in those days was a matter that had to be referred to the Secretary of State and his approval was received in September, 1919, but no expenditure has been necessary until now.

Approved.

**Wireless at Gap Rock**

The Governor recommended the Council to vote a sum of \$4,000 on account of Public Works, Extraordinary, Hongkong, Miscellaneous, Erection of Wireless Installation at Gap Rock.

THE CHAIRMAN—This is a re-vote for a portion of the \$14,000 taken last year. The work was not completed. The actual amount to be revoted is \$3,800, and a small supplementary vote is required for \$200.

HON. MR. POLLOCK—What is the range, sir?

THE DIRECTOR OF PUBLIC WORKS was understood to say that it was for the purpose of communicating with Cape D'Aguilar.

THE CHAIRMAN — Incidentally Gap Rock benefits because they are now able to use the same machine for the electric light and fans.

Approved.