

15TH FEBRUARY, 1923.

PRESENT:—

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

H.E. THE GENERAL OFFICER IN COMMAND OF THE TROOPS, MAJOR-GENERAL SIR JOHN FOWLER, K.C.M.G., C.B., D.S.O.

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

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

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

HON. MR. E. R. HALLIFAX, C.B.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. P. H. HOLYOAK.

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

HON. MR. A. G. STEPHEN.

HON. MR. CHOW SHOU-SON.

HON. MR. NG HON-TSZ.

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

Minutes

The minutes of the last meeting of the Council were approved and signed.

The Mui Tsai Question

HON. MR. H. E. POLLOCK, K.C., pursuant to private notice given, addressed the following questions to the Secretary for Chinese Affairs:

1.—Is it not the fact that, by Chinese custom, a parent of a mui tsai who wishes to get her back from her employer, is bound to repay to such employer the sum of money which such employer has paid to such parent for the transfer of such mui tsai to the employer?

2.—Has not such custom been followed by the officials of the Chinese Secretariat in regard to the redemption of a mui tsai by her parent from her employer?

THE SECRETARY FOR CHINESE AFFAIRS replied as follows:—

1.—According to Chinese custom, it is the usual but not the invariable custom for some repayment to be made.

2.—The S.C.A. acts solely in the interests of the girl and does not regard himself as being in any way bound by the custom. The practice of the Secretariat for Chinese Affairs is based on section 32 of Ordinance 4 of 1897, and we never lose sight of the fact that the guardianship of any girl for whose transfer money has been paid is vested in the Secretary for Chinese Affairs, against the parents as much as against other parties. In all cases where mui tsai are concerned, the care of the girls is entrusted by the Secretary for Chinese Affairs to nobody until full enquiry has been made in the Office and in the Po Leung Kuk; and the ruling consideration is always the best interest of the girls. No opposition is offered to a monetary arrangement being reached between the parties themselves, but failure to reach such an arrangement would not be allowed to stand in the way of a decision in the interests of the girl.

Finance

THE COLONIAL SECRETARY by command of H.E. the Governor, laid on the table Finance Minutes Nos. 10, 11 and 12, and moved that they be referred to the Financial Committee.

THE COLONIAL TREASURER seconded and the motion was agreed to.

THE COLONIAL SECRETARY also laid on the table a report of the proceedings of the Finance Committee No. 1, and moved that it be adopted.

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

German Mission Work and Property

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to provide for the carrying on of the work formerly carried on by certain German societies and persons in the Colony of Hongkong, and to deal with certain property formerly held or administered by, or used in connection with the work of, such societies and persons in the Colony of Hongkong, and to provide for the control of the persons by whom the said work is to be carried on.

He said: Article 438 of the Treaty of Versailles is as follows:—

"The Allied and Associated Powers agree that where Christian religious missions were being maintained by German societies or persons in territory belonging to them, or of which the Government is entrusted to them in accordance with the present Treaty, the property which these missions or missionary societies possessed, including that of trading societies whose profits were devoted to the support of missions, shall continue to be devoted to missionary purposes. In order to ensure the due execution of this undertaking the Allied and Associated Governments will hand over such property to boards of trustees appointed by or approved by the Governments and Composed of persons holding the faith of the Mission whose property is involved.

"The Allied and Associated Governments, while continuing to maintain full control as to the individuals by whom the missions are conducted, will safeguard the interests of such missions.

"Germany, taking note of the above undertaking, agrees to accept all arrangements made or to be made by the Allied or Associated Government concerned for carrying on the work of the said missions or trading societies and waive all claims on their behalf."

This Bill, Sir, is intended to carry out the provisions of that Article of the Treaty of Versailles. During the war temporary arrangements were made for holding and maintaining the property formerly owned by the German missions here and for carrying on the work of those missions so far as it still existed in the Colony. The property is now vested in the Custodian of Enemy Property as temporary titular owner. The missions were carried on by and under the supervision of certain Protestant missions which carry on work in the Colony. It is obvious that some arrangement must now be made both for holding and dealing with property and for carrying on the work of the missions. Some of the property is in a very bad state of repair and will have to be dealt with very quickly; probably some of it will have to be pulled down and rebuilt. Some of the land held by the German missions is probably no longer required for the work of the missions and will, no doubt, either be sold or otherwise disposed of. The Bill proposes to create a corporation consisting of five persons. The five persons who are to form the corporation at the commencement of the Ordinance are given in clause 2. When any of these persons die or resign or become unable to carry out the trusts of the corporation the Governor will have power to appoint a successor, and, of course, the intention is that all future members of the corporation, as in the case of the first members, shall be of the Protestant faith, as all the German missions involved were of that faith. A great many of the clauses in the Bill are formal, technical clauses, such as appear in all incorporation Ordinances. Clause 5 deals with the trusts under which the property is to be held. In the first draft of the Bill an attempt was made to set out the

trusts of each particular piece of property, but it was found that so much detail was involved and it was so difficult in some cases to ascertain the exact trusts that it has been thought better to declare the trusts in a very general way as is done in this clause and to give the corporation by sub-clause (6) of clause 5 absolute discretion to determine the manner in which the trusts are to be carried out, and to apply a particular property and the income or proceeds of any particular property to any particular object. That appears rather wide but, of course, it is merely in that form because of the impossibility of ascertaining the exact trusts without a great deal of enquiry which can only be carried out properly by a body such as the Bill proposes to create. The general idea of the Bill is that any particular property or the income from it or proceeds of it must be used only for the mission to which that property formerly belonged. I do not think I need refer to any of the other clauses: they are mostly formal and any question on them can be raised in Committee.

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

Medical Registration Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to amend further the Medical Registration Ordinance, 1884.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

On the motion of the ATTORNEY-GENERAL the Bill was referred to Committee to be considered clause by clause.

The Bill passed through Committee without amendment, and on the Council resuming the third reading was moved by the ATTORNEY-GENERAL, and seconded by the COLONIAL SECRETARY and the Bill was passed into law.

Maintenance Orders 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 motion was agreed to.

The Bill was then referred to Committee for consideration clause by clause. It passed through Committee without amendment and on the Council resuming it was in due form read a third time and was passed into law.

The Mui Tsai Bill

The Council went into Committee to resume discussion of the Bill intituled, An Ordinance to regulate certain forms of female domestic service.

On the motion of the ATTORNEY-GENERAL verbal amendments were made in several clauses.

H.E. THE GOVERNOR—Does any hon. member desire to raise any further question in the Committee stage of the Bill?

No hon. member intimating any desire to do so, H.E. THE GOVERNOR proposed that the Bill be reported to the Council and the Council then resumed.

THE ATTORNEY-GENERAL moved and the COLONIAL SECRETARY seconded the third reading of the Bill.

H.E. THE GOVERNOR—Does any hon. member desire to address the Council?

HON. MR. P. H. HOLYOAK — Your Excellency, I crave your permission to dilate somewhat more at length on the remarks which I made in the Committee stage of the Bill at the last meeting of the Council, namely, on the gross misrepresentations of fact which have been made almost throughout the public press at Home, in what I can unhesitatingly describe as a malicious campaign of propaganda, — whether for political purposes or otherwise I know not; but I do know that statements have been made quite publicly at home in connection with this subject which ought not to remain unchallenged by this honourable Council in defence of the fair name of the Colony and the good government which it represents. If the statements of wholesale slavery and of the selling of slaves were as true as they have been depicted, then, Sir, I think there is little doubt that it would stand

for a judgment not only upon each successive Governor of the Colony who has allowed it to remain but upon the British people of the Colony who have lived under it for the last 70 years. I am not concerned, however, in discussing in detail the subject of mui tsai. I have voted already for the first reading of the Bill and I am prepared to vote for its final stages, principally because it adds to the annals of the Colony and the laws of the Colony an Ordinance which is in keeping with other Ordinances of the British Realm. For my own part I do feel sincerely that in a large degree it was perhaps unnecessary because, in practice and in spirit, officially and otherwise, the practice has never received official sanction from beginning to end in the history of the Colony and therefore it seems unnecessary to legislate on the subject. Nor would it have been necessary but for the gross misrepresentation in an agitation representing a somewhat horrible state of affairs which, in fact, does not exist in practice and in the experience of those of us who have lived very many years in this Colony and who know somewhat of the inside of Chinese affairs. I do not think the situation of the mui tsai in a Chinese household differs so very largely in actual practice from that of a similar practice obtaining at home of adopting an orphan from one of the many orphanages and using her as a domestic assistant and providing her with home, food and clothing. Nor do I think that the ill-treatment which has been so largely described to us is any more widely spread than that revealed in the ordinary practice of a Magistrate's Court in any large town in England. It is because I have so recently come from home and because both from press and platform and even from pulpit one has heard such atrocious misstatements of fact that I feel they cannot be passed without challenge by this Council, affecting as they do the reputation of the Council and the reputation of the Colony. For that reason I venture to raise my voice in the very strongest protest against such being accepted as facts by the Secretary of State for the Colonies. If it were a fact that slaves were openly bought and sold as depicted in the Press at Home, would not the British Colony itself have compelled such a state of affairs to be attended to? If it were a fact that the Government permitted the purchase and sale of slaves as depicted, would not the pressure of public opinion in this

Colony have forced legislation long ago? But for the fact that certain persons, with a not very wide knowledge of the subject, ventured at Home, for purposes of propaganda, and partly for political propaganda, grossly to misstate the facts for their own ends, the subject would never have been raised at all. It is because of these facts that I desire in the name of the Unofficial Members of this Council to protest against statements which have been made widely and publicly at home both by the Press and by certain individuals which are a slur upon the good name and Government of this Colony, which are without foundation in fact and malicious in character.

HON. MR. E. V. D. PARR — I desire to support in the strongest possible manner the remarks that the hon. member for the Chamber of Commerce has made in protest against the exaggerated absurdities that have appeared in the Home Press upon this subject. As an instance I would mention that when I was at Home some two years ago I visited some relations at a well-known English watering place and accompanied them to the Parish Church. The good Vicar who preached—*apropos* of nothing that I could see—began inveighing against the British Colony of Hongkong for selling Chinese girls in the public market place. "These are not Angles," he said, "but angels." I need not say, I took the first occasion to put the reverend gentleman right on the facts as we know them here and he told me that he had obtained his facts and figures from the public Press at Home and that he would correct the misstatements that he had made to his congregation on the following Sunday. It has not been usual since I have had the honour of being a member of this Council for the Unofficials to address the Council on the third reading of a Bill, but I do not consider any apology is needed in this instance, and if it serves to give more weight to our protest against those exaggerated absurdities to which we have referred then, I think the end is justified by the means.

HON. MR. A. G. STEPHEN — Your Excellency, I would like to associate myself with the two hon. members who have just spoken in protesting against the imputations upon the good name of the Colony. In all the speeches made on this Bill the one that struck me as being most *apropos* was that of the Attorney-General in introducing it. After going through the Objects and Reasons, "damning the Bill with faint praise," he finally reached the impotent conclusion that the measure had to be passed because the system was one which was open to abuse, and grave abuse, at the hands of unscrupulous persons. Well, Sir, he could have said the same about the office he fills with such distinction himself—it is an office that is open to abuse at the hands of unscrupulous persons; and he might have said the same about the position I happen to hold in the Colony : it is distinctly open to abuse in the hands of unscrupulous persons. But what he would have said, I venture to say, if he had been speaking his own mind was this: "We do not think this Bill is any use, but we have got to pass it, because we have been told to." This agitation at Home I do not take so seriously as my unofficial colleagues do, because I have seen so often a similar kind of thing before — people seeking cheap advertisement are quite willing to assume that we Englishmen when we come East of Suez leave behind all we ever learned of humanity and charity. When they see an opportunity of gaining some cheap notoriety they will find some tame Member of Parliament to put questions to the Colonial Office and the harassed Secretary of State for the Colonies ultimately decides that the balance of advantage is to get this Government to pass a Bill which will shut the mouths of these stupid bores in Parliament. Many of the races ruled by the British Government in various parts of the world have habits and customs which do not come up to the standard of Exeter Hall, but it has always been our wise policy to leave them alone in that respect unless, of course, those customs are such as to outrage humanity. I should like to have seen the Secretary of State for India, for instance, sending orders to the Viceroy to disturb some of the customs which are far less innocent and far less humane than the mui tsai system in this Colony. No, they know very well they cannot do that, because local opinion is too strong for

them. But here, with a Legislative Council that is powerless to oppose the wishes of the Government, they do not scruple, in order to secure peace and quietness at Home, to set aside the wishes of the majority of the people in this Colony. One thing I would say in conclusion is that the support of the Bill came from a most extraordinary combination of bodies: the Chinese Y.M.C.A. and the labour unions. Anyone who knows anything of the inside history of the Colony could say perfectly well that that support of the Bill is—I hesitate to describe it—perhaps it is best to describe it as a fake. There can be nothing in common or in sympathy between the labour unions and the Y.M.C.A. and they join together on this occasion for reasons far different from any consideration for the welfare of mui tsai.

H.E. THE GOVERNOR—I think Gentlemen, I would rather not say anything further on the subject, except that I desire to associate myself with the Unofficial Members in resenting the offensive and foul-mouthed libels on the Chinese race which have been a feature of the comments made by the British Press on this subject, instigated thereto by persons some of whom I believe have been influenced by genuine philanthropic motives but some of whom it is perfectly clear were actuated only by motives of self-advertisement.

The third reading of the Bill was then approved and the measure passed accordingly.

The Council then adjourned until Thursday next, 22nd February.

FINANCE COMMITTEE

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

Swatow Typhoon Relief

The Governor recommended the Council to vote a sum of \$39,998 on account of Miscellaneous Services, Swatow Typhoon Relief Fund.

THE CHAIRMAN — This is a re-vote of the balance remaining of \$70,000 contributed by the Colony to the Swatow Typhoon Relief Fund.

Approved.

**Accommodation for Wireless Staff
at Cape D'Aguilar**

The Governor recommended the Council to vote a sum of \$65,500 on account of Public Works Extraordinary, Provision of additional accommodation for the staff at Cape d'Aguilar.

THE CHAIRMAN—This vote has already been approved by the Committee. The sum required is made up as follows: \$10,000, extension to engine house and installation of direction wireless apparatus; \$22,000 for the Superintendent's bungalow; \$17,000, alterations to staff

quarters; \$16,500, new wing to house the apprentices.

Approved.

**A Sanitary Department Steam
Launch**

The Governor recommended the Council to vote a sum of \$12,956 on account of Sanitary Department, Special Expenditure, 1 steam launch.

THE CHAIRMAN—This sum of \$12,956 includes two items: \$12,425, being the last instalment in payment of the cost of a wooden steam single screw tug, costing \$49,700, and \$531 for addition's made at the suggestion of the Government Marine Surveyor, namely, a booby hatch, to keep out the weather from the crew's quarters and an awning to provide cover for the crew and to shade the engine room.

Approved.