

April 5th, 1928.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR (SIR CECIL CLEMENTI, K.C.M.G.).

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS (MAJOR-GENERAL C. C. LUARD, C.B., C.M.G.).

THE COLONIAL SECRETARY (HON. MR. E. R. HALLIFAX, C.M.G., C.B.E.).

THE ATTORNEY-GENERAL (HON. SIR JOSEPH HORSFORD KEMP, KT., K.C., C.B.E.).

THE COLONIAL TREASURER (HON. MR. MCI. MESSER, O.B.E.).

HON. MR. H. T. CREASY, C.B.E. (Director of Public Works).

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

HON. MR. R. A. C. NORTH (Secretary for Chinese Affairs).

HON. SIR HENRY EDWARD POLLOCK, KT., K.C.

HON. SIR SHOU-SON CHOW, KT.

HON. MR. R. H. KOTEWALL, C.M.G., LL.D.

HON. MR. A. C. HYNES.

HON. MR. J. OWEN HUGHES.

HON. MR. W. E. L. SHENTON.

MR. T. W. AINSWORTH (Deputy Clerk of Councils).

MINUTES.

The Minutes of the previous meeting of the Council were confirmed.

NEW MEMBER.

Hon. Mr. W. E. L. SHENTON took the oath upon taking his seat as a member of the Council.

THE SERVICES OF MR. D. G. M. BERNARD.

HON. SIR HENRY EDWARD POLLOCK—Sir,—As this is the first meeting of the Legislative Council after the departure of Mr. Bernard from the Colony, the Unofficial Members desire to associate themselves with Your Excellency's remarks, recently published in the Press, in regard to Mr. Bernard's valuable services to the Colony. His sound judgment and shrewd common sense were of great benefit not only in this Council, but also in the Executive Council. We desire to record our appreciation accordingly.

HON. SIR SHOU-SON CHOW—On behalf of the Chinese Community my Chinese colleague and I heartily associate ourselves with the remarks of the hon. senior unofficial member concerning the valuable services

rendered by Mr. Bernard to the Colony during the time he served as a member of the Executive and Legislative Councils.

H.E. THE GOVERNOR—Gentlemen, I heartily endorse what Sir Henry Pollock and Sir Shou-son Chow have said. Mr. Bernard became a member of the Executive and Legislative Councils of this Colony in the dark and dangerous days of the spring of 1926. We then had seldom before us a choice between good and bad. We were usually confronted by nothing but a choice of evils. In taking the difficult decisions which had then to be made, I felt that I could implicitly rely on Mr. Bernard to interpret to me the true opinions of the local mercantile community as well as of the Hong Kong General Chamber of Commerce, and that he would in his turn explain faithfully to all with whom he came in contact the real policy underlying the actions of the Hong Kong Government. The Colony has now safely weathered the storm and the financial outlook is much brighter. As the Council knows, we budgeted for a deficit of a million dollars in respect of the year 1927. But the year's working has in fact realized a surplus of half a million dollars. So we began the financial year now current with a total surplus of assets over liabilities amounting to about four million dollars. Moreover, the first quarter of the year 1928 has now gone by; and I am glad to say that the Colony's revenue for that quarter shows an increase of more than seven lakhs of dollars over the estimate. Therefore, although caution is still necessary, confidence in the future is justified. In the achievement of this happy result Mr. Bernard played a notable part, not only as member of the Executive and Legislative Councils, but also as Chairman of the Hong Kong General Chamber of Commerce and as the head of the great firm of Jardine, Matheson & Co. We shall miss him sadly from our deliberations and we do well to place on record our warm appreciation of his services to Hong Kong. (Applause.)

PAPERS.

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table the following papers:—

Order under section 4 of the Societies Ordinance, 1920, on March 29th, 1928.

Report of the Land Officer for the year 1927.

WATCHMEN'S BILL PETITION.

THE ATTORNEY-GENERAL—I beg to move that the petition, relating to the Bill to provide for the registration and regulation of watchmen, which has been received by the Clerk of Councils, be laid upon the table. I understand copies of the petition have been received by all members of the Council so that no doubt they have given the matter full consideration. The petition has also been considered by the Government and discussed in the Executive Council this morning. As a result of that consideration and discussion it is proposed to make two amendments to the Bill in Committee at a later stage of this meeting.

THE COLONIAL SECRETARY seconded, and this procedure was agreed to.

REPORT OF THE FINANCE COMMITTEE.

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table the report of the Finance Committee No. 3 of 29th March, 1928, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

CHINESE TEMPLES ORDINANCE, 1928.

HON. SIR SHOU-SON CHOW—Sir,—I beg to move the first reading of a Bill intituled, "An Ordinance to suppress and prevent abuses in the management of Chinese temples and in the administration of the funds of Chinese temples." My Chinese unofficial colleague and I have given notice, in accordance with the Royal Instructions and the Standing Rules and Orders of this Council, of our intention to apply for this Bill. The Bill is so fully explained in the Objects and Reasons, which were published in the *Gazette* of the 23rd March, and which were reproduced in Chinese in the *Wa Kiu* and other newspapers, that I can deal with the matter in a very general way. The first point which I wish to make is that the Bill will not interfere in any way whatsoever with genuine Chinese religion. On the other hand, it will tend to prevent religion being made a source of private gain, and it will, I hope, go far towards preventing the misuse of religion by adventurers who prey on the more ignorant members of the community. Some of the so-called temples against which this Bill is aimed are moved about from place to place when the dupes of each locality have been dealt with by the keepers. One object of the Bill therefore is to assist genuine Chinese religion by helping it to get rid of adventurers who use it for their own selfish ends. The second object of the Bill is charitable. Certain temples which were originally established by sections of the community for the benefit of the public have fallen or are falling, under the control of private individuals, who use the profits for their own benefit. These individuals, who have thus encroached on the rights of the public, or whose predecessors have thus encroached on the rights of the public, can have no claim as against the community to continue to usurp the revenues of these temples. Such temples will be brought under the control of the Ordinance and the profits will be used for the purposes of Chinese charities in the Colony generally. Of course the revenue of each temple will be applied in the first instance to the due observance of the customary ceremonies and the maintenance of the temple buildings and temple properties, and only the surplus will be transferred to the General Chinese Charities Funds provided for by the Bill.

The main operative provision of the Bill is that the revenues, funds, investments and properties of all Chinese temples, except certain exempted temples, shall be under the control of a committee which shall

be known as the Chinese Temples Committee and which shall consist of the following persons:—(a) The Chinese members for the time being of the Legislative Council; (b) A representative of the District Watch Committee appointed by the Governor from time to time on the nomination of the District Watch Committee; (c) The Chinese members of the Sanitary Board for the time being who shall have been appointed by the Governor; (d) The Chairman for the time being of the Board of Direction of the Tung Wa Hospital; (e) The senior member for the time being of the Committee of the Po Leung Kuk; (f) The Secretary for Chinese Affairs.

The Bill provides machinery by which this control can be made effective. The exempted temples, a list of which is contained in the Schedule to the Ordinance, are temples which were originally established by private individuals or particular families, and which are still maintained by the descendants of the original founders, and are managed unobjectionably, though, of course, the profits go to the private owners. One of these temples is the Tin Hau Temple, of Tung Lo Wan, which was established 180 years ago by the Tai family. The Governor in Council will have power to add to this Schedule in any proper case. I would draw attention to the fact that all Chinese temples whatsoever will have to be registered under the Ordinance when it becomes law. This is an obviously necessary provision to which no exception can be taken.

I only wish to add that the main principles of this Bill have been approved by the District Watch Committee, the Tung Wah Hospital Committee, the Po Leung Kuk Committee, and the Kwong Wah Hospital Committee. The District Watch Committee is a body which is not known to the statute law, a distinction which I understand it shares with the Cabinet and the Prime Minister, but I believe that its advice is regarded as of great weight both by the Government and the public. The members of the three other committees are chosen by the community. It would be difficult to find stronger evidence of the support given to the principles of the Bill by the leaders of the Chinese community in this Colony. I beg to move the first reading of this Bill.

HON. DR. KOTEWALL—I beg to second.

THE ATTORNEY-GENERAL—I rise to support this measure. Both the principles and details of the Bill have been fully considered by the Government who desire to associate themselves fully with the Bill and with what has just been said by the hon. member who introduced it.

The Bill was read a first time.

PENSIONS (AMENDMENT) ORDINANCE, 1928.

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to amend the Pensions Ordinance, 1862."

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

Council then went into Committee to consider the Bill clause by clause. No amendments were made in Committee. Upon Council resuming,

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

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

**SECRETARY FOR CHINESE AFFAIRS INCORPORATION
ORDINANCE, 1928.**

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to provide for the incorporation of the Secretary for Chinese Affairs."

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

Council then went into Committee to consider the Bill clause by clause. No amendments were made in Committee. Upon Council resuming,

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

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

DANGEROUS DRUGS (AMENDMENT) ORDINANCE, 1928.

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to amend the Dangerous Drugs Ordinance, 1923."

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

Council then went into Committee to consider the Bill clause by clause. No amendments were made in Committee. Upon Council resuming,

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

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

**PRINCIPAL CIVIL MEDICAL OFFICER (CHANGE OF NAME)
ORDINANCE, 1928.**

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to give effect to the change in the name and style of the office heretofore known as that of the Principal Civil Medical Officer."

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

Council then went into Committee to consider the Bill clause by clause. No amendments were made in Committee. Upon Council resuming,

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

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

THE WATCHMEN ORDINANCE, 1928.

THE ATTORNEY-GENERAL moved the resumption of the Committee for the consideration of the Bill intituled, "An Ordinance to provide for the registration and regulation of Watchmen."

THE COLONIAL SECRETARY seconded, and this was agreed to.

THE ATTORNEY-GENERAL moved that Clause 3 be amended by the insertion of the word "police" before "watchmen" in paragraphs a, b, c and d in sub-section (1). He said—The effect of the amendment will be that the power of fixing wages, making and altering grades and ranks of watchmen, regulating conditions of employment, and providing for discipline and control, will apply only to police watchmen and will not apply to private watchmen.

THE COLONIAL SECRETARY seconded, and this was agreed to.

THE ATTORNEY-GENERAL—I beg to move that Clause 7 of the Bill be omitted and that the subsequent clauses of the Bill be renumbered.

Clause 7 read: (1) No person shall, without the permission of the Captain Superintendent of Police, perform or continue to perform the duties of a watchman for more than one employer. (2) No person shall, without the permission of the Captain Superintendent of Police, knowingly employ or continue to employ as a watchman any person who is employed by any other employer.

In support of his motion the ATTORNEY-GENERAL said—It is proposed to leave this matter, which is one of private contract, to the employers themselves to deal with, and not to make it a prohibition under the Bill.

THE COLONIAL SECRETARY seconded, and the omission of the Clause was agreed to.

THE ATTORNEY-GENERAL—I beg to move that the following clause be added at the end of the Bill. It will be numbered Clause 17:

This Ordinance shall come into operation on the 1st day of May, 1928.

The reason why it is proposed to insert a commencing clause, said the Attorney-General, is in order to give to persons who will be affected

by the Ordinance time to register themselves before the Ordinance comes into operation.

THE COLONIAL SECRETARY seconded, and the addition of the clause was approved.

Council then resumed.

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

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

H.E. THE GOVERNOR—Council adjourns until this day fortnight, April 19th, at 2.30 p.m.

FINANCE COMMITTEE.

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

H.E. The Governor's Message No. 4, containing items No. 168 of 1927 and Nos. 17 to 22 of 1928 of supplementary expenditure, totalling \$136,932 was considered.

All the items were approved.

Item No. 20, Public Works Extraordinary—Constructing additional storey C.S.O., building and contingent works—\$103,000.

HON. MR. J. OWEN HUGHES—Does this sum of \$103,000 include the rental to be paid for extra office accommodation during the time building is in progress.

THE CHAIRMAN—Yes. It will cover all the costs as far as we can foresee.
