

27th June, 1929.

PRESENT.

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

THE HON. THE OFFICER COMMANDING THE TROOPS (COLONEL W. D. S. BROWNRIGG, D.S.O.).

THE COLONIAL SECRETARY (HON. MR. W. T. SOUTHORN, C.M.G.).

THE ATTORNEY GENERAL (HON. SIR JOSEPH KEMP, K.T., K.C., C.B.E.).

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. R. A. C. NORTH.).

THE COLONIAL TREASURER (HON. MR. M. J. BREEN).

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

HON. COMMANDER G. F. HOLE, R.N. (Retired) (Harbour Master).

HON. DR. A. R. WELLINGTON (Director of Medical and Sanitary Services).

HON. MR. T. H. KING, (Captain Superintendent of Police).

HON. SIR HENRY POLLOCK, K.T., K.C.

HON. SIR SHOU-SON CHOW, K.T.

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

HON. MR. A. C. HYNES.

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

HON. MR. J. P. BRAGA.

HON. MR. S. W. TS'O, C.B.E., LL.D.

HON. MR. B. D. F. BEITH.

MR. E. I. WYNNE-JONES, (Deputy Clerk of Councils).

MINUTES.

The minutes of the previous meeting of Council were confirmed.

PAPERS.

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

Rescission of the Order declaring Shanghai an infected place, on 14th June, 1929.

Rule under section 6A (2) of the New Territories Regulation Ordinance, 1910, on 17th June, 1929.

Order under section 267 (1) of the Public Health and Buildings Ordinance, 1903, on 17th June, 1929.

Mr. J. H. Bottomley to act on behalf of the Building Authority in connection with dangerous buildings.

Report of the Police Magistrates' Courts for the year 1928.

Report on the Botanical and Forestry Department for the year 1928.

Report of the Registrar of the Supreme Court for the year 1928.

Report of the Superintendent of Prisons for the year 1928.

Kowloon-Canton Railway—Annual Report, 1928.

QUESTIONS.

HON. MR. R. H. KOTEWALL asked:—

With reference to the statement made by the Honourable Director of Public Works at the last meeting of this Council that the scheme of pumping water from tankers to the Tytam Tuk Pumping Station was found to be feasible, and that preparation was being made for laying the necessary pipes connecting the Pumping Station with a pier to be erected in deep-water, will the Government state:

(1) Whether it considers it advisable forthwith to proceed with the scheme on a scale which will permit a direct supply to all houses in the city for, say, 4 hours a day, leaving the street-fountains and other subsidiary supplies to augment this direct supply;

(2) What is the estimated cost of such a scheme;

(3) Whether the Government has considered any method other than the use of tankers for conveying water to feed the Tytam Tuk Pumping Station for this purpose;

(4) If not, whether the Government will consider the suggestion of utilising, for the purpose of this scheme, the expected supply of three million gallons a day from Wangmun to be conveyed by lighters, at an estimated cost of \$200,000 a month.

THE COLONIAL SECRETARY replied:—

(1) Preparations for the scheme for connecting a tanker supply with the Tytam Tuk Pumping Station are in hand but it is not considered feasible to proceed with the scheme on the scale suggested, owing to the difficulty and expense of obtaining a sufficient number of tankers to maintain a supply from this source.

(2) A 10,000 ton tanker would be capable, after the necessary construction work at Tytam had been completed, of delivering 2¼ million gallons a day into the Pumping Station. In order to provide a daily supply a fleet of 10 such tanker

would be needed and it is estimated that apart from the actual cost of the water obtained, such a scheme would involve expenditure of not less than \$500,000 a month. The Government considers expenditure at this rate to be beyond the financial means of the Colony.

(3) & (4) Yes. Suitable tankers occasionally pass through Hong Kong and the Government proposes when such an opportunity offers to utilize their services to bring water from Shanghai or elsewhere for delivery into Tytam Tuk Pumping Station. The necessary works at Tytam Tuk to make this possible will cost approximately \$30,000 and orders have been given to proceed with this work. Government is also considering the possibility of passing the water obtained from Wangmun by small tankers and lighters through the Tytam Tuk Pumping Station; but the matter is one of considerable difficulty and is not sufficiently advanced to enable a final decision to be given. In any case the scheme must await the completion of the pipe-line and connected works now in hand at Tytam Tuk. The works are expected to be completed in about three weeks. While the scheme now in contemplation will it is hoped enable the water stored in the reservoirs to be conserved it is unlikely that sufficient water could be made available through the Pumping Station to enable the existing system of distribution to be materially improved.

FINANCE COMMITTEE'S REPORT.

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid upon the table the report of the Finance Committee, No. 7, of 20th June, 1929, and moved that it be adopted.

THE COLONIAL TREASURER seconded and this was agreed to.

SUNDAY CARGO WORKING ORDINANCE.

THE ATTORNEY GENERAL moved the second reading of the Bill intituled "An Ordinance to amend the law relating to the restriction of the loading, working and discharging of cargo on Sunday."

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

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

THE ATTORNEY GENERAL.—I beg to move that in clause 2, paragraph (c), the words, "except ships of war belonging to His Majesty or to any foreign government" be omitted. The rule is, of course, that the Crown is not affected unless by some express provision of a statute. Therefore it is not necessary to include His

Majesty's ships of war expressly. If these words are omitted Crown property and Crown rights are not affected. The only reason why His Majesty's ships were mentioned was that it was proposed to mention ships of war of foreign governments but it is not necessary to mention them because warships do not, as a rule, carry cargo. Therefore, I submit, Sir, the best thing is to omit these words altogether.

THE COLONIAL SECRETARY seconded and the amendment was approved.

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.

WIDOWS' AND ORPHANS' PENSION ORDINANCE.

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

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

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

HON. SIR HENRY POLLOCK.—In clause 3 should not the date of the proclamation published in the *Gazette* under section 8 (2) of the Ordinances of Hong Kong 1884-1923, Ordinance, 1923, be given as the 28th September, 1923, and not the 19th September, 1924?

After the consideration of the Bill clause by clause, Council resumed for the despatch of further business, leaving the Bill in Committee.

JURY ORDINANCE.

THE ATTORNEY GENERAL moved the second reading of the Bill intituled "An Ordinance to amend the Jury Ordinance, 1887."

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

Council went into Committee to consider the Bill clause by clause. No amendment to the Bill was proposed in Committee, and 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.

WIDOWS' AND ORPHANS' PENSION ORDINANCE.

Council then went into Committee to continue consideration of the Widows' and Orphans' Pension Ordinance.

THE ATTORNEY GENERAL.—The date given in clause 3 for the proclamation is correctly published in the *Gazette* as 19th September, 1924. There is no need to amend the clause.

No amendment to the Bill was proposed in Committee, and 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 CHARGES OF THE YEAR 1928.

THE COLONIAL SECRETARY.—I beg to move the second reading of the Bill to authorise the Appropriation of a Supplementary Sum of \$292,104.79 to defray the charges of the year 1928. My hon. friend the Acting Colonial Secretary introduced this Bill in my absence at the last meeting of the Council in sufficient detail to enable me to avoid wasting the time of the Council with any further explanation at the present moment.

THE COLONIAL TREASURER seconded.

HON. MR. J. P. BRAGA.—Your Excellency, There are one or two points connected with the Supplementary Appropriation Memorandum on which, with Your Excellency's permission, I would like to address the Council.

As one of the members for Kowloon, my attention is naturally first directed to affairs connected with the Peninsula. It, therefore, becomes pertinent for me to seek information concerning a question that has so often formed the subject of correspondence between the Kowloon Residents' Association and the Government. It has to do with the lighting of the Peninsula. Of the total of \$53,500 voted for the lighting of Kowloon, a saving for 1928 is shown of \$5,549.28, or over 10 per cent. No explanation is given for this saving. In the interest of Kowloon residents it is desirable that an official statement be forthcoming as to how this saving of 10 per cent on the Estimates has been effected. If there has been a curtailment of expenditure through stinting in the public lighting of roads in Kowloon, then I would say it is false economy and one which taxpayers on the other side of the harbour would prefer to do without since it is a notorious fact that some of the roads of Kowloon are very dimly lighted because of an insufficiency of street lamps. With the greater development of the district and the increased motor traffic, it is reasonable to expect that the requirements of Kowloon call for better lighting of the public thoroughfares.

My remarks apply with equal force to the lighting of New Kowloon. Sub-Items 1 and 2 of Item 18 "Lighting," on p. 34, are of a total of \$15,250. The actual expenditure was only \$12,146.97, showing a saving of \$3,103.03, or more than 25%. With the recent growth of the Kowloon Tong district, a claim might be justly preferred on behalf of inhabitants of that district that adequate provision be made for public lighting not only for greater security by night but also for minimising the danger of motor accidents with increasing traffic in that district.

Another matter closely identified with Kowloon Tong is the extension of roads in the development area. It was a common complaint of residents for some time that no completed approach roads to their habitations were available for many months after the completion of their houses, in spite of the fact that their rates were regularly payable and paid at the end of each quarter. The amount estimated for road extension in Kowloon was set down at \$38,000 for 1928, but no more than one-sixth of that sum was spent last year, and the only explanation given is that "the work was held up unavoidably." I have a recollection that the whole of the Kowloon Tong scheme was to be completed within five years from 1922, the date of its commencement. It is now seven years since then and, at its snail-rate of progress, one is left to guess the date of its final completion.

Turning to another subject, a new item of expenditure appears in a provisional vote of \$1,000 for Public Band Concerts. Although late in the season a few performances were given in the Botanic Gardens last year. May I submit it to you, Sir, that could a few concerts by the regimental bands be arranged for Kowloon in the hot summer evenings they are sure to be well patronised. The expense of these performances, which need not be very great, can be defrayed out of the public revenue. Hong Kong residents enjoyed the Band concerts last year; it is for Kowloon residents to have their turn this year, and I would suggest that a provisional sum be voted to defray the cost of Band performances in some central open space in Chatham or Salisbury Road this summer.

In the explanatory column opposite p. 23 there appears the remark: "serum not prepared" against the item "Vaccines, Serum, etc." to explain a saving of \$1,580.92 last year. I hope the Medical Department has not been lulled into a sense of security by failing to see the necessity for preparing serum. Is there not the possibility of the Colony being found without any adequate supply of serum in the event of an unfortunate outbreak of rabies or other disease to cope with which an ample and immediately available supply of serum becomes an urgent necessity? This is another question to which a satisfactory reply from Government would be reassuring.

THE COLONIAL SECRETARY.—Sir, While the Government takes due note of the remarks of the hon. member, I would, with your permission, venture to draw his attention, on a point of order, to Standing Order No. 41, and I would suggest for his consideration that these items which he has mentioned have no proper place in a debate on the second reading of the Bill. If the hon. member will be good enough to bring them up in Committee, which, I suggest, is the proper place, the Government will do its best to answer his questions.

The Bill having been read a second time, the Council went into Committee to consider the Bill clause by clause.

HON. MR. J. P. BRAGA, under the item Miscellaneous Services, asked for the information referred to in his speech on the second reading.

THE COLONIAL SECRETARY.—With regard to the saving in the lighting of Kowloon, my hon. friend the Director of Public Works explains that when the Estimates were framed provision was made for a whole year, including the cost of the construction and the lighting of new lamps. The new lamps, however, were not erected and lighted until the middle of the year and consequently there was a saving on the vote. There has been no stinting in the lighting of public roads in Kowloon. The Hon. Captain Superintendent of Police makes suggestions as to the lighting of various areas each year and private applications for additional lights are also considered and, if approved, are included in the lighting programme for the year.

With regard to the lighting of New Kowloon, to which the hon. member drew attention, provision was made for the erection of 85 new lamps and for the lighting of these for the whole year. All these lamps were erected, but as some of them were erected late in the year, particularly in Kowloon Tong, there was a considerable saving on the lighting charges.

As regards the item, Roads, to which the hon. member referred the Government felt that there was no urgent necessity to proceed with the work of extending the roads to their full width but reasonable access was provided to all lots. Owing to an inadequate labour supply, the work could not be completed until this year.

HON MR. BRAGA.—As regards the lighting of Kowloon, I thought that this was a very suitable opportunity for me to bring to your Excellency's notice and to the notice of the members of this Council, the inadequate provision of lighting in Kowloon. The erection of a few additional lamps in some of the thoroughfares, especially at points of junction, would effect a considerable improvement. I have in mind such places as Carnarvon Road and Granville Road. Granville Road connects Nathan Road to Chatham Road. A ride along Granville Road at night will convince anyone of the utter inadequacy of the lighting of this district, and if, with your Excellency's permission, the road could have its lighting improved, I feel certain it would be for the benefit of residents in the district.

In reply to the Hon. Colonial Secretary in regard to road approaches in Kowloon Tong, I should like to point out that it was with the greatest difficulty that during the last rainy season owners of property could get to their houses on foot let alone reaching their houses by motor. I am conscious of the fact that the roadways in the Kowloon Tong district have been greatly improved of late; in fact it was only last Saturday I visited the district and I think the Public Works Department is to be congratulated on the marked improvement made there. The point I
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Excellency's notice is the desirability of pushing on with the Kowloon Tong scheme, which is very much behindhand at the present moment. There is no certainty, unless the Government takes direct action, that the subscribers to the scheme will have the opportunity of seeing it completed as soon as they desired. I think that the sooner this scheme is completed the better it will be for all interested and it is only by Government pressure being brought to bear on the interests concerned that this can be done.

H.E. THE GOVERNOR.—The hon. member's remarks are opportune as the Government is on the point of framing its Budget for next year and therefore we can consider in our Estimates what further provision it is desirable to make for the lighting of Kowloon and New Kowloon. As regards Kowloon Tong, it must not be forgotten that this is a private scheme and not a Government scheme. The Government has supported it throughout and is anxious to see its completion. Such pressure as the Government is able to bring to bear upon the promoters and the beneficiaries of the scheme for its early completion I shall have pleasure in bringing to bear, but the matter is one of considerable difficulty and the status of the Government in the matter is not altogether clear. I understand that the Public Works Department already has proposals to put before me for expediting the scheme.

THE COLONIAL SECRETARY.—The Public Works Department has informed the Government that all the areas were handed over to the Estate Company in March, 1928, so that any delay subsequent to that date is certainly not due to the Government.

HON. MR. J. P. BRAGA.—I should be sorry if by what I have said I have conveyed the impression that there was any fault attached to the Government. I have always held the view, and have expressed it more than once, that the Government have regarded this scheme in a very benevolent light, and it is because of this that I think the Government, holding the upper hand over the promoters of the scheme, should exercise pressure in order that the delay should not be prolonged unduly.

H.E. THE GOVERNOR.—The hon. member can rest assured that so far as I am advised that I have power to expedite this matter, I certainly shall do so.

THE COLONIAL SECRETARY.—There were two other points referred to by the hon. member. One was that money should be expended on Band Concerts. His views on the subject will be duly noted by the Government. Another item he referred to was the question of vaccines. He said that he hoped the Medical Department would not be lulled into a sense of security by failing to see the necessity for preparing serum. I do not know whether my hon. friend the Director of Medical and Sanitary Services would like to reply on that point.

THE DIRECTOR OF MEDICAL AND SANITARY SERVICES.—Less serum was prepared last year because the stock already in hand was deemed sufficient to meet all likely requirements. With

regard to vaccines, there were sufficient stocks of anti-cholera, anti-meningoosius and anti-typhoid vaccines. With regard to anti-rabies vaccine, there was and there is a sufficiency. Few applied last year for anti-rabies treatment. Arrangements have been made with a local agency to keep in cold storage a sufficiency of fresh sera and vaccines to cover emergencies.

The Council having resumed,

THE COLONIAL SECRETARY moved the third reading of the Bill.

THE COLONIAL TREASURER seconded and the Bill was passed.

ADJOURNMENT.

H.E. THE GOVERNOR.—The Council will adjourn *sine die*.

FINANCE COMMITTEE.

Following the Council, a meeting of the Finance Committee was held, the Colonial Secretary presiding.

Votes totalling \$60,030, contained in Message No. 8 from H.E. The Governor, were considered.

Item No. 46: Public Works, Extraordinary:—Hong Kong, Miscellaneous, Wireless Telegraphy, Expenditure on Buildings and Plant to effect necessary improvements, \$31,630.

HON. MR. W. E. L. SHENTON.—I should like to enquire whether the Saiyingpun Market is just merely held up or whether it has been abandoned?

THE CHAIRMAN.—It is held up. They are not getting on as fast with the work as we had hoped, and consequently as much money has not been spent upon it as had been intended.

Item No. 49: Miscellaneous Services:—Other Miscellaneous Services, \$400. Arising out of the recent action, Crown versus Carvalho Yeo, and the resultant Civil action against the Bank in which Messrs Tsang On Wing and Cheung Man Kun were completely vindicated, it was decided that some compensation for their detention in Police custody for three weeks should be given to these officers.

HON. MR. R. H. KOTEWALL.—I consider the proposal totally inadequate as compensation for what these men have gone through. It is stated in the Message that they were in Police custody for the long period of three weeks. It happened that this was just before and during Chinese New Year, and the suffering and anxiety entailed on these two men and members of their families must have been terrible. I hope the Government will see its way to grant them compensation commensurate with what they have suffered.

THE CHAIRMAN.—I take it you do not wish to defer the voting of this sum? The Committee is not empowered to increase items. I think the best way is to vote this sum and then to leave it to His Excellency the Governor to consider any increase at a later date.

HON. MR. R. H. KOTEWALL.—That is so, I hope His Excellency the Governor will grant an increase.

HON. MR. B. D. F. BEITH.—Is there any precedent in a case like this of witnesses held in custody getting compensation?

THE CHAIRMAN.—It is not so much a question of holding witnesses in custody. This grant is being made by the Government to its servants for suspecting them unfairly, and it is a grant such as I imagine any private firm would give if they suspected members of their staff and then eventually found them to be completely vindicated. I think the Government is taking the right course in compensating two of its servants against whom the suspicion entertained was found to be totally unjustified.

HON. MR. B. D. F. BEITH.—There was no charge against these two men. You cannot say they were "completely vindicated" when it was found that they were concerned in grave negligence. They are not completely vindicated in that respect.

THE CHAIRMAN.—As I have said, the Government is giving compensation in this case to two of its servants just as I imagine private firms would give compensation to members of their staff in similar circumstances.

HON. MR. BEITH.—Is it correct to say they were "completely vindicated?" There was no actual charge against them.

THE CHAIRMAN.—In the eyes of the Government they were vindicated.

HON. MR. BEITH.—They were not vindicated by the verdict of the Court. Did they apply for compensation?

THE COLONIAL TREASURER.—I have received no application.

HON. MR. W. E. L. SHENTON.—Whenever there is a Police investigation, it is an investigation by the Government. The only difference in this case is that these men happen to be Government servants, whereas in other cases they are members of the public. I must say that I think the principle involved of paying compensation creates a dangerous precedent.

THE CHAIRMAN.—We are treating the Crown in this case as an employer dealing with its employees, and after conducting the fullest investigation it was found that these men had been treated unfairly.

HON. MR. S. W. TS'O.—I believe the men were actually in prison and were kept there for three weeks.

THE CHAIRMAN.—That hardly affects the principle on which the Hon. Mr. Shenton is speaking. Whether they were in prison or not does not alter the principle. I appreciate the position you take up, but I do not think it comes in here. The Government's point of view is simply one of an employer towards its employees. I will bring the Hon. Dr. Kotewall's point to the notice of His Excellency the Governor.

All the votes were approved.