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LEGISLATIVE COUNCIL, No. 12.

THURSDAY, 29TH AUGUST, 1901.

PRESENT:

HIS EXCELLENCY THE GOVERNOR
 (Sir HENRY ARTHUR BLAKE, G.C.M.G.).

The Honourable the Officer Commanding the Troops, (Colonel LOUIS FAULKNER BROWN, R.E.).
 „ the Colonial Secretary, (JAMES HALDANE STEWART LOCKHART, C.M.G.).
 „ the Acting Attorney General, (HENRY EDWARD POLLOCK, K.C.).
 „ the Acting Colonial Treasurer, (CHARLES McILVAINE MESSER).
 „ the Harbour Master, (ROBERT MURRAY RUMSEY, R.N.).
 „ the Acting Director of Public Works, (WILLIAM CHATHAM).
 „ the Captain Superintendent of Police, (FRANCIS HENRY MAY, C.M.G.).
 „ CATCHICK PAUL CHATER, C.M.G.
 „ HO KAI, M.B., C.M.
 „ THOMAS HENDERSON WHITEHEAD.
 „ WEI YUK.
 „ JAMES JARDINE BELL-IRVING.
 „ JOHN THURBURN.

The Council met pursuant to adjournment.

The Minutes of the last Meeting, held on the 13th August, 1901, were read and confirmed.

PAPERS.—The Colonial Secretary, by command of His Excellency the Governor, laid on the table the following papers:—

1. Report on the New Territory during the second year of British Administration.
2. Correspondence regarding increase of Salaries of Subordinate Officers in the Civil Service of the Colony.

FINANCIAL MINUTES.—The Colonial Secretary, by command of His Excellency the Governor, laid on the table the following Financial Minutes, (Nos. 48 to 56), and moved that they be referred to the Finance Committee:—

HENRY A. BLAKE.

C.S.O.
1465 of 1901.

The Governor recommends the Council to vote a sum of Eleven thousand nine hundred and sixty-seven Dollars (\$11,967) to meet the cost of the erection of certain matsheds, &c., to be used as Public Baths.

ABSTRACT.

Matsheds, including tubs, &c., &c.,.....	\$ 3,585.00
Firewood, wages of attendants, &c., up to 31st May,	1,390.00
Subsequent expenditure up to 31st August, namely 92 days, at \$76 per day,	6,992.00
Total,.....	<u>\$11,967.00</u>

Government House, Hongkong, 25th July, 1901.

HENRY A. BLAKE.

C.S.O.
2283 of 1901.

The Governor recommends the Council to vote a sum of Six hundred Dollars (\$600) in aid of the vote "Repairs to Government House Furniture and Incidental Expenses."

Government House, Hongkong, 29th July, 1901.

HENRY A. BLAKE.

C.S.O.
2300 of 1901.

The Governor recommends the Council to vote a sum of Twenty-one thousand Dollars (\$21,000) in aid of the following votes:—

PUBLIC WORKS, ANNUALLY RECURRENT EXPENDITURE.

1. Maintenance of Telegraphs,	\$3,000.00
2. Do. Praya Wall and Piers,	2,000.00
3. Do. Waterworks, Kowloon,	6,000.00
4. Do. Macadamized Roads in Victoria,	5,000.00
5. Do. Concreted Roads in Victoria,.....	2,000.00
6. Water Account,.....	3,000.00
Total,.....	<u>\$21,000.00</u>

Government House, Hongkong, 29th July, 1901.

HENRY A. BLAKE.

C.S.O.
2284 of 1901.

The Governor recommends the Council to vote a sum of Two thousand seven hundred and fifty Dollars (\$2,750) in aid of the following votes in the Post Office:—

Incidental Expenses at the Agencies,	\$1,500.00
Commission on Money Orders,	1,250.00
Total,.....	<u>\$2,750.00</u>

Government House, Hongkong, 30th July, 1901.

HENRY A. BLAKE.

C.S.O.
2297 of 1901.

The Governor recommends the Council to vote a sum of Twelve thousand Dollars (\$12,000) to meet the cost to be incurred on account of the erection of two Temporary Markets, one opposite the Sailors' Home and one adjoining the new Harbour Office, during the current year.

Government House, Hongkong, 2nd August, 1901.

HENRY A. BLAKE.

C.S.O.
2297 of 1900. The Governor recommends the Council to vote a sum of Three thousand Dollars (\$3,000) to meet the cost to be incurred on account of the extension of Wanchai Market, during the current year.

Government House, Hongkong, 2nd August, 1901.

HENRY A. BLAKE.

C.S.O.
2192 of 1901. The Governor recommends the Council to vote a sum of Six hundred Dollars (\$600) in aid of the vote of \$1,000 for the erection of a Home for Quarantined Dogs under the heading "Public Works Extraordinary."

Government House, Hongkong, 2nd August, 1901.

HENRY A. BLAKE.

C.S.O.
2487 of 1901. The Governor recommends the Council to vote a sum of Thirty-six thousand one hundred and seventy-seven Dollars and seven Cents (\$36,177.07) in aid of the following votes:—

PUBLIC WORKS EXTRAORDINARY.

(1.) Yaumati Nullah,	\$ 250.00
(2.) Gaol Extension,	927.07
(3.) Taiipo Road,	35,000.00
Total,.....	<u>\$36,177.07</u>

Government House, Hongkong, 19th August, 1901.

HENRY A. BLAKE.

C.S.O.
2487 of 1901. The Governor recommends the Council to vote a sum of One hundred Dollars (\$100) in aid of the vote of \$700 for "Furniture and Incidental Expenses", Registrar General's Department.

Government House, Hongkong, 20th August, 1901.

The Acting Colonial Treasurer seconded.

Question—put and agreed to.

REPORT OF THE FINANCE COMMITTEE.—The Colonial Secretary, by command of His Excellency the Governor, laid on the table the report of the Finance Committee dated the 29th July, 1901, (No. 8), and moved its adoption.

The Acting Colonial Treasurer seconded.

Question—put and agreed to.

REPORT OF THE PUBLIC WORKS COMMITTEE.—The Colonial Secretary, by command of His Excellency the Governor, laid on the table the Report of Proceedings of the Public Works Committee at a meeting held on the 29th July, 1901, (No. 4), and moved its adoption.

The Colonial Treasurer seconded.

Question—put and agreed to.

REPORTS OF THE STANDING LAW COMMITTEE.—The Acting Attorney General, by command of His Excellency the Governor, laid on the table the following Reports of the Standing Law Committee, viz.:—

- (1.) On a Bill entitled An Ordinance to amend and consolidate the Laws relating to Stamps and Stamp Duties in the Colony of Hongkong;
- (2.) On a Bill entitled An Ordinance for authorizing the Construction of a Tramway within the Colony of Hongkong;

and moved their adoption.

The Colonial Secretary seconded.

Question,—put and agreed to.

SANITARY BOARD BYE-LAWS.—The Acting Director of Public Works addressed the Council, and laid on the table Additional Bye-laws made by the Sanitary Board with reference to the prevention of epidemic, endemic or contagious disease, and moved that they be approved by the Council.

The Acting Attorney General seconded.

The Colonial Secretary enquired as to how the expense that will be incurred in carrying out the Bye-laws is to be met.

The Acting Director of Public Works replied.

A discussion ensued in which His Excellency the Governor and the Acting Attorney General took part.

Dr. HO KAI then addressed the Council, and proposed the adjournment of the discussion until the next meeting of Council.

Mr. WHITEHEAD seconded the proposal.

The Captain Superintendent of Police addressed the Council.

The proposal for postponement was then put and carried.

OTHER SANITARY BOARD BYE-LAWS.—The Acting Director of Public Works laid on the table Bye-laws made by the Sanitary Board for the disinfection of infected premises, and suggested that these Bye-laws be also allowed to stand over.

Agreed to.

NOTICE OF QUESTION.—Mr. WHITEHEAD gave notice that, at the next meeting of Council, he would ask the following question:—

Will the Honourable the Colonial Secretary inform the Council of the approximate number of fishermen employed in taking coral and shell from the sea adjoining the New Territory, and the names of the places where and about the extent of ground over which such fishing is carried on?

QUESTIONS.—Mr. WHITEHEAD, pursuant to notice, asked the following questions:—

(1.) *Will the Honourable the Colonial Secretary lay upon the Council table a return showing— (1) the number of claims to land in the New Territory sent in up to 30th June, 1901; and (2) the number of claims which had been finally disposed of by the Land Court up to that date? Also will the Honourable Member inform the Council what progress has been made with the survey of the New Territory?*

The Colonial Secretary, in reply, laid on the table the Return asked for and a Report on the Progress made with the Survey in the New Territory.

(2.) *Will the Honourable the Colonial Treasurer lay upon the Council table a statement showing the total expenditure incurred in connection with the New Territory from the date of the Lease thereof, viz., 9th June, 1898, to 30th June, 1901, and the total revenue collected from the said New Territory during the same period, the principal items under both heads to be shown separately?*

The Acting Colonial Treasurer, in reply, laid on the table a Statement showing the Revenue and Expenditure at the New Territory, from June, 1898, to 30th June, 1901.

(3.) *Has the attention of the Honourable the Captain Superintendent of Police been directed to paragraphs and leaderettes which appeared in the "China Mail" of 23rd, 25th and 26th instant, in the "Telegraph" of 27th, and in the "Daily Press" of 24th and 27th idem, in respect of discontent among the European members of the Police Force and the Gaol Staff, and will the Honourable Member inform the Council as to the correctness or otherwise of the allegations and statements therein made?*

The Captain Superintendent of Police replied.

(4.) *Will the Honourable the Director of Public Works lay upon the Council table a statement showing:—*

(1.) *The number of buildings in the Colony, which have fallen down, from 1st January, 1895, to 16th instant.*

(2.) *The names of the owners of the said buildings.*

(3.) *The number of deaths caused thereby.*

(4.) *The number of Coroner's enquiries held in connection with such deaths.*

(5.) *The number of prosecutions, if any, instituted as the result of the said enquiries; and*

(6.) *The causes, so far as ascertained, which have contributed to the tumbling down in each case, and, if the collapse of any or all of the buildings in question have resulted from defective construction, will the Honourable Member inform the Council:—*

(1.) *What precautions, if any, have been taken to prevent the erection of such buildings in the future; and*

(2.) *What precautions, if any, have been taken to prevent a recurrence of a like calamity attended with such heavy loss of life as that which occurred in Cochrane Street on 14th instant in connection with buildings already in existence?*

The Acting Director of Public Works replied that time had not permitted the preparation of the Statement asked for, but that, as soon as it is ready, it will be laid on the Council table, and all available information given on the subject.

(5.) *Will the Honourable the Attorney General inform the Council whether the "Venice Plague Convention of 1897" applies to the Colony of Hongkong?*

The Acting Attorney General replied that the Convention does not apply to the Colony of Hongkong.

(6.) *If the "Venice Plague Convention of 1897" does not apply to the Colony of Hongkong, will the Honourable the Colonial Secretary inform the Council whether the Government will direct the Sanitary Board to take into consideration at an early date the question whether in the event of an epidemic of Plague occurring during 1902, sick Chinese will, as during the 1894 epidemic, be permitted to leave the Colony for their homes on the mainland—provided the Chinese Government offers no objection—and if so, to determine under what conditions they will be allowed to do so?*

The Colonial Secretary replied.

(7.) *Will the Honourable the Colonial Secretary lay upon the Council table a copy of the detailed statement already prepared by the Medical Officer of Health and the Secretary of the Sanitary Board, by direction of its President, asked for by Mr. Edward Osborne at the Sanitary Board meeting held on the 8th instant, showing what recommendations the Board and its Officers have made during the past ten years in respect of additional Markets, additional Public Latrines, and additional Public Urinals, and how far such recommendations had been carried out?*

The Colonial Secretary laid on the table the Return asked for.

(8.) *Will the Honourable the Colonial Secretary inform the Council, whether the Government have telegraphed urging on the Colonial Office the imperative necessity, in the interests of the trade and the shipping of the port, of selecting and appointing a thoroughly experienced officer, first class in every respect, and of considerable professional standing, to take charge of the Public Works Department (in succession to Mr. R. D. Ormsby), and of the ever increasing duties devolving on that Department in respect of roads, streets, buildings, drainage, water-works, reclamations, and the many important public works now in progress and in contemplation directly connected with the sanitation of the Colony?*

The Colonial Secretary replied in the negative.

JURY CONSOLIDATION AMENDMENT BILL.—The Acting Attorney General moved the first reading of a Bill entitled An Ordinance to further amend the Jury Consolidation Ordinance, 1887.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

PROBATES AMENDMENT BILL.—The Acting Attorney General moved the first reading of a Bill entitled An Ordinance to amend The Probates Ordinance, 1897, (No. 3 of 1897).

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

MERCHANT SHIPPING AMENDMENT BILL.—The Acting Attorney General moved the first reading of a Bill entitled An Ordinance to amend The Merchant Shipping Consolidation Ordinance, 1899, (No. 36 of 1899).

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

GUNPOWDER AND FIREWORKS BILL.—The Acting Attorney General moved the first reading of a Bill entitled An Ordinance to amend the law relating to the manufacture of gunpowder and of fireworks, and to regulate the sale and conveyance of gunpowder.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

NATURALIZATION OF SIU YÜN-FAI BILL.—The Acting Attorney General moved the second reading of the Bill entitled An Ordinance for the Naturalization of SIU YÜN-FAI, alias SIU YÜN-HANG, alias SIU KWOK-YEUNG, alias SIU KÜ-MING, alias SIU YING-P'ING.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

Council resumed, and Bill reported without amendment.

The Acting Attorney General moved the third reading of the Bill.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed.

FORESHORES AND SEA BED BILL.—The Acting Attorney General moved the second reading of the Bill entitled An Ordinance to validate Crown leases heretofore made of Fore-shore, and submerged Lands within the territorial waters of the Colony for reclamation and other purposes and to legalize and facilitate the making of such leases hereafter; and addressed the Council.

The Colonial Secretary seconded.

Mr. WHITEHEAD addressed the Council, and moved:—

That the second reading of this Bill be postponed until a translation of the Bill in the Chinese language shall have been published by Proclamation in all the towns and villages within the New Territory together with a notice calling upon all persons whose rights or interests of property may be affected by it, to bring their objections before the Council by petition within one month from the date of the issue of such notice.

Dr. HO KAI seconded.

Council divided, and Members voted as follows:—

For the amendment.

Mr. WEI YUK.
Dr. HO KAI.
Mr. WHITEHEAD.

Against.

Mr. THURBURN.
Mr. BELL-IRVING.
Mr. CHATER.
The Captain Superintendent of Police.
The Acting Director of Public Works.
The Harbour Master.
The Acting Colonial Treasurer.
The Acting Attorney General.
The Colonial Secretary.
The Officer Commanding the Troops.

The motion was lost.

The motion for the second reading of the Bill was then put and carried, Mr. WEI YUK, Dr. HO KAI and Mr. WHITEHEAD voting against it.

Bill read a second time.

Council in Committee on the Bill, and the amendments proposed by the Acting Attorney General were agreed to.

Mr. WHITEHEAD moved that the following words be added after the word "Council" (the last word in paragraph 2 of clause 3):—"and his decision thereon shall be notified in writing to the objectors; and if within one month from the date of such notice no application has been made to the Supreme Court in its Summary Jurisdiction for leave to appeal from such decision, such decision shall be final and binding."

The amendment was lost.

Council resumed.

Further progress with the Bill was deferred.

TRAMWAYS AMENDMENT BILL.—Mr. CHATER addressed the Council, and moved the second reading of the Bill entitled An Ordinance to amend the Scope of The Tramways Ordinance, 1883, (No. 6 of 1883), and the Tramways Ordinance Amendment Ordinance, 1883, (No. 18 of 1883).

Mr. BELL-IRVING seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

Bill reported without amendment.

Council resumed.

STAMP BILL.—The Council went into Committee on the Bill entitled An Ordinance to amend and consolidate the Laws relating to Stamps and Stamp Duty in the Colony of Hongkong.

The Acting Attorney General moved that the three amendments recommended by the Standing Law Committee on the Bill be adopted, and they were agreed to.

Council resumed.

TRAMWAY BILL.—Mr. CHATER moved that the Council go into Committee on the Bill entitled An Ordinance for authorizing the Construction of a Tramway within the Colony of Hongkong.

Mr. BELL-IRVING seconded.

Council in Committee on the Bill.

The Acting Attorney General read the Report of the Standing Law Committee on the Bill.

Colonel BROWN enquired whether clause 19 of the Bill covered the case of the Tramway Company laying return wires.

The Acting Attorney General replied.

With regard to the charging by the Tramway Company of any special high rate if the services of the tramway should be required for defensive purposes, Colonel BROWN moved that it be provided that in no such case shall the amount charged exceed the tramway fares.

The amendment was agreed to.

The Bill was then considered section by section, and the amendments recommended by the Law Committee were agreed to.

Council resumed.

SUPPLEMENTARY SUPPLY BILL.—The Acting Colonial Treasurer moved the third reading of the Bill entitled An Ordinance to authorize the Appropriation of a Supplementary Sum of Five hundred and Fifty-nine thousand nine hundred and ninety-one Dollars and Seventy-eight Cents, to defray the Charges of the Year 1900.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed.

ADJOURNMENT.—The Council then adjourned *sine die*.

HENRY A. BLAKE,
Governor.

Read and confirmed, this 17th day of September, 1901.

C. CLEMENTI,
Acting Clerk of Councils.