

## LEGISLATIVE COUNCIL.

No. 71.

## LEGISLATIVE COUNCIL, No. 4.

THURSDAY, 16<sup>TH</sup> MARCH, 1911.

PRESENT :

HIS EXCELLENCY THE GOVERNOR

(Sir FREDERICK JOHN DEALTRY LUGARD, K.C.M.G., C.B., D.S.O.).

His Excellency the General Officer Commanding the Troops, (Major-General CHARLES ALEXANDER ANDERSON, C.B.).

The Honourable the Colonial Secretary, (CECIL CLEMENTI).

- „ the Attorney General, (WILLIAM REES DAVIES, K.C.).
- „ the Colonial Treasurer, (ALEXANDER MACDONALD THOMSON).
- „ the Director of Public Works, (WILLIAM CHATHAM, C.M.G.).
- „ the Registrar General, (ARTHUR WINBOLT BREWIN).
- „ the Captain Superintendent of Police, (FREDERICK WILLIAM LYONS).
- „ Dr. HO KAI, M.B., C.M.G.
- „ Mr. WEI YUK, C.M.G.
- „ Mr. HENRY EDWARD POLLOCK, K.C.
- „ Mr. EDBERT ANSGAR HEWETT.
- „ Mr. EDWARD OSBORNE.
- „ Mr. HENRY KESWICK.

The Council met pursuant to adjournment.

The Minutes of the last Meeting, held on the 9th March, 1911, were read and confirmed.

NEW MEMBER.—Capt. LYONS took the Oath and assumed his seat as a Member of the Council.

FINANCIAL MINUTES.—The Colonial Secretary laid on the table Financial Minute No. 20, and moved that it be referred to the Finance Committee :—

No. 20.—Miscellaneous Services, Quinine issued to children in malarial districts, ..... \$200.

The Colonial Treasurer seconded.

Question—put and agreed to.

REPORT OF THE FINANCE COMMITTEE.—The Colonial Secretary laid on the table the Report of the Finance Committee dated the 9th March, 1911, and moved its adoption.

The Colonial Treasurer seconded.

Question—put and agreed to.

LIQUOR DUTIES.—The Colonial Secretary addressed the Council and with its permission moved the following Resolution :—

*Resolution made by the Legislative Council this 16th day of March, 1911, under the provisions of Section 3 (1) of the Liquors Ordinance, 1909, (No. 27 of 1909).**Liquor Duties.**Resolved that there shall be paid upon intoxicating liquors imported into, distilled, made or prepared in the Colony the duties following ; namely :—*

<i>On all brandy and liqueurs, .....</i>	<i>\$4.20 per gallon.</i>
<i>On all whisky and gin, .....</i>	<i>\$3.00 per gallon.</i>
<i>On all rum and other spirituous liquors, .....</i>	<i>\$1.50 per gallon.</i>
<i>On all champagnes and other sparkling wines, ...</i>	<i>\$3.00 per gallon.</i>
<i>On all port, sherry and madeira, .....</i>	<i>\$2.40 per gallon.</i>

- On all other still wines in bottle, ..... \$1.50 per gallon.  
 On all other still wines in wood, ..... \$1.20 per gallon.  
 On all other intoxicating liquors, excepting spirits  
 of wine and native wines and spirits, ..... \$0.24 per gallon.  
 On all spirits of wine and arrack, ..... \$3.00 per gallon.  
 On all native wines and spirits:—

- (a.) \$0.30 cents a gallon on the native liquors known as Liu Pun and Sheung Ching and on the following sweetened, prepared and medicated wines:—  
 No Mai Tsau, Hak No Mai, Mau Kan, Yuk Lan, Ning Mun Tsau, Tsing Mui, Muk Kwa, Sun Fung, Wu Tau, Shüt Li Tsau, Shan Kat, Lung San Tsau, Tei Kuk, Sam Pin, Tit Ta, Fung Shap and Wai Shang.  
 All such liquor shall contain not more than 25% of alcohol by weight.
- (b.) \$0.40 cents a gallon on the native liquor known as Sam Ching, containing not more than 35% of alcohol by weight.
- (c.) \$0.50 cents a gallon on the native liquor known as Fa Tsau and on the following sweetened, prepared or medicated wines:—  
 Ng Ka Pei, Mui Kwai Lo, Sz Kwok Kung, Fu Kwat Muk Kwa, Yan Chan Lo, and Ko Leung Kon.  
 All such liquor shall contain not more than 45% of alcohol by weight.
- (d.) \$0.70 cents a gallon on the native liquor known as Fan Tsau, if containing 50% or under of alcohol by weight, with the addition of two cents for every one per centum between 50% and 55% of alcohol by weight.
- (e.) \$1.00 a gallon with the addition of eight cents for every one per centum above 55% of alcohol by weight on any native liquor containing above 55% of alcohol by weight.
- (f.) \$0.05 cents per gallon on all native liquor distilled in the New Territories, not including New Kowloon and the Island of Cheung Chau, for consumption in the said Territories.

Further resolved that:—

- (1.) On native wines and spirits declared or labelled as belonging to any of the above divisions the appropriate duty therein laid down shall be paid except that on any native liquor however declared or labelled found by the Government Analyst or such person as the Governor may from time to time appoint in that behalf to contain more alcohol than is permitted in the division to which it is declared or labelled as belonging there shall be paid the appropriate duty of the division in which the amount of alcohol found has placed it: each division in such case shall represent native liquor of the limit of strength in alcohol therein stated and irrespective of any definition or description of such liquor, and on any native wines and spirits not declared or labelled as belonging to any division there shall be paid the duty appropriate to the division in which the amount of alcohol found by the Government Analyst or such person as the Governor may from time to time appoint on that behalf has placed it.
- (2.) Stills in the New Territories (not including New Kowloon and the Island of Cheung Chau) shall be prohibited from sending liquor produced in these stills to Hongkong or to New Kowloon: provided that any licensee of a distillery who desires to send such liquor to Hongkong or New Kowloon may be granted a permit to do so, upon payment of the duties charged in Hongkong or New Kowloon.
- (3.) On intoxicating liquors, other than spirits of wine, arrack and native wines and spirits, imported into, distilled, made or prepared in the Colony above proof strength there shall be paid an additional duty of 4 cents for every degree above proof in the case of brandy, 3 cents for every degree above proof in the case of whisky, and 2 cents for every degree above proof in the case of any other liquor.

The Resolution made by the Legislative Council under the provisions of Section 3 (1) of the Liquors Ordinance, 1909, on the 2nd day of December, 1909, (published in the Government Gazette of the 3rd day of December, 1909, Government Notification No. 769), is hereby cancelled.

The Colonial Treasurer seconded.

Various Members addressed the Council and on the Resolution being put to the Council it was declared carried, nine Members voting for and four—Mr. OSBORNE, Mr. HEWETT, Mr. WEI YUK and Dr. HO KAI—against the Resolution.

NAVAL AND MILITARY LIQUOR REBATE.—His Excellency the General Officer Commanding the Troops, pursuant to notice, addressed the Council and moved the following Resolution:—

*That the annual payment of an import allowance to the Naval and Military Authorities made permissive by Clause 44 (1) of the Liquors Consolidation Ordinance, 1910, be continued for the year 1911-1912.*

Mr. KESWICK addressed the Council and seconded.

Various Members addressed the Council and on the Resolution being put to the Council it was declared lost, eleven Members voting against and two—His Excellency the General Officer Commanding the Troops and Mr. KESWICK—for the Resolution.

PAWNBROKERS AMENDMENT BILL.—The Attorney General moved the First reading of a Bill entitled An Ordinance to further amend the Pawnbrokers Ordinances, 1860 and 1902.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

FISHERIES (DYNAMITE) BILL.—The Attorney General addressed the Council and moved the Second reading of the Bill entitled An Ordinance to prohibit the use of Dynamite or other Explosive for the purpose of catching or destroying Fish.

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 Attorney General moved that the Bill be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed.

INTERPRETATION BILL.—The Attorney General addressed the Council and moved the Second reading of the Bill entitled An Ordinance to amend and codify the law as to Common Forms and as to the Interpretation of Terms used in Ordinances.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

The Attorney General moved that the Bill be referred to the Standing Law Committee.

The Colonial Secretary seconded.

Question—put and agreed to.

POLICE FORCE AMENDMENT BILL.—The Attorney General addressed the Council and moved the Second reading of the Bill entitled An Ordinance to amend the Police Force Ordinance, 1900.

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 Attorney General moved that the Bill be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed.

**HARBOUR OF REFUGE AMENDMENT BILL.**—The Attorney General addressed the Council and moved that the Council resolve itself into a Committee of the whole Council to consider the Bill entitled An Ordinance to amend the Harbour of Refuge Ordinance, 1909.

The Colonial Secretary seconded.

Question—put and agreed to.

Council in Committee on the Bill.

Council resumed, and Bill reported with amendments.

The Attorney General moved that the Bill be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed.

**CRIMINAL LAW AMENDMENT BILL.**—The Attorney General moved that the Committee stage on the Bill entitled An Ordinance to introduce into the Criminal Law Ordinances of 1865 certain provisions of the Criminal Law Amendment Acts of the United Kingdom of 1861, and for other purposes, be resumed.

The Colonial Secretary seconded.

Question—put and agreed to.

Council in Committee on the Bill.

Council resumed, and Bill reported with amendments.

The Attorney General moved that the Bill be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed.

**LIQUORS CONSOLIDATION BILL.**—The Attorney General moved that the Committee stage on the Bill entitled An Ordinance to consolidate and amend the law relating to Intoxicating Liquors, be resumed.

The Colonial Secretary seconded.

Question—put and agreed to.

Council in Committee on the Bill.

Council resumed, the Bill being left in Committee.

**ADJOURNMENT.**—The Council then adjourned until Thursday, the 23rd March, 1911.

F. D. LUGARD,  
*Governor.*

Read and confirmed this 23rd day of March, 1911.

R. H. CROFTON,  
*Clerk of Councils.*