

## LEGISLATIVE COUNCIL.

No. 235.

## LEGISLATIVE COUNCIL, No. 14.

THURSDAY, 3<sup>RD</sup> AUGUST, 1911.

PRESENT :

HIS EXCELLENCY THE GOVERNOR

(SIR FREDERICK JOHN DEALTRY LUGARD, G.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, (WARREN DELABERE BARNES).

- „ the Attorney General. (CHALONER GRENVILLE ALABASTER).
- „ the Colonial Treasurer, (ALEXANDER MACDONALD THOMSON).
- „ the Director of Public Works, (WILLIAM CHATHAM, C.M.G.).
- „ the Registrar General, (ARTHUR WINBOLT BREWIN, C.M.G.).
- „ 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. CHARLES HENDERSON ROSS.
- „ Mr. CHARLES MONTAGUE EDE.

The Council met pursuant to adjournment.

The Minutes of the last Meeting, held on the 20th July, 1911, were read and confirmed.

FINANCIAL MINUTES.—The Colonial Secretary laid on the table Financial Minutes Nos. 44 to 48, and moved that they be referred to the Finance Committee :—

No. 44.—Police Department, Typewriter, .....	\$ 145.00.
No. 45.—Queen's College, Die for silver button, .....	120.00.
No. 46.—Bacteriological Institute, Preparation of Viri, Vaccine and Sera, .....	100.00.
No. 47.—Public Works Department, Language Study Allowance (Chinese) to Land Surveyor, .....	84.19.
No. 48.—Governor, Furniture and Incidental Expenses, .....	2,200.00.

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 20th July, 1911, and moved its adoption.

The Colonial Treasurer seconded.

Question—put and agreed to.

PAPERS.—The Colonial Secretary laid on the table the following papers :—

- Statement with reference to the Typhoon Refuge.
- Medical and Sanitary Reports for the year 1910.
- Report of the Director of Public Works for the year 1910.

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

1. *Is it the fact that the Government has let the premises formerly occupied by the Post Office at a rent of \$406 per month, or at some other and, if so, what rent?*
2. *For what period are such premises let and has the lessee any and what option as to renewal?*
3. *For what purpose did the lessee take the said premises and what rent is he likely to receive for sub-letting the same?*
4. *Does the Government consider the rent which the lessee has agreed to pay an adequate rent, and, if so, for what reasons? Did the Government, before agreeing to accept such rent, make any calculations as to how many shops the ground-floor of the said premises could reasonably be sub-divided into, or make any enquiries as to the rents paid by shops in the neighbourhood? If not, why not? Did the Government make any enquiries as to what rents the first floor was likely to bring in, if sub-divided into rooms for Offices? If not, why not?*
5. *Why was not the leasing of the said premises put up to Public Auction with a Reserve? Is it not usual for Government dealings with land to be put to Public Auction with a Reserve? Are there not some instructions from the Secretary of State for the Colonies on the subject?*

The Colonial Secretary replied.

THEIR MAJESTIES' THANKS.—His Excellency the Governor read a despatch received from the Secretary of State for the Colonies conveying the thanks of Their Majesties the King and Queen for the telegram sent by the Executive and Legislative Councils on the occasion of the Coronation.

WIDOWS' AND ORPHANS' PENSION AMENDMENT (No. 3) BILL.—The Colonial Secretary moved the First reading of a Bill entitled An Ordinance to yet further amend the Widows' and Orphans' Pension Ordinance, 1908.

The Colonial Treasurer seconded.

Question—put and agreed to.

Bill read a first time.

POST OFFICE AMENDMENT BILL.—The Attorney General addressed the Council and moved the Second reading of the Bill entitled An Ordinance to amend the Post Office Ordinance, 1900.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council then went into Committee to consider the Bill clause by clause. On the motion of the Attorney General the bill as read a first and second time was withdrawn and a reprint of the bill containing several amendments was substituted.

The Colonial Secretary moved that the Standing Orders be suspended to enable the Bill to be considered by the headings of the sections without reading them. The Attorney General seconded, but, on Mr. POLLOCK objecting, the motion was withdrawn, and the Bill was considered clause by clause.

On the motion of the Attorney General, it was agreed that the words "against the Principal Ordinance" in the last line of sub-section (2) of the new section 33*a* in section 7 be deleted, and that the word "be" be inserted between the words "shall" and "liable" in the second line of sub-section (2) of the new section 33*e*.

On the motion of His Excellency the Governor the Bill was left in Committee.

CROWN SOLICITORS BILL.—The Attorney General moved that the Bill entitled An Ordinance to make provision for the appointment of and to define the powers of the Crown Solicitor and Assistant Crown Solicitor, be withdrawn.

The Colonial Secretary seconded, and the motion was agreed to.

**CROWN LANDS RESUMPTION AMENDMENT BILL.**—The Attorney General addressed the Council and moved the Second reading of the Bill entitled An Ordinance to further amend the Crown Lands Resumption Ordinance, 1900.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill. On the motion of the Attorney General the bill as read a first and second time was withdrawn and a reprint of the bill containing several amendments was substituted.

Council resumed, the Bill being left in Committee.

**PRISON AMENDMENT BILL.**—The Attorney General addressed the Council and moved the Second reading of the Bill entitled An Ordinance to further amend the Prison Ordinance, 1899.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

Council resumed, the Bill being left in Committee.

**PROBATES AMENDMENT BILL.**—The Colonial Treasurer moved that the Council resolve itself into a Committee of the whole Council to consider the Bill entitled An Ordinance to amend the Probates Ordinance, 1897.

The Colonial Secretary seconded, and the motion was agreed to.

On the motion of the Attorney General it was agreed that sub-section (c) of section 2 be deleted.

Council resumed, the Bill being left in Committee.

**STAMP AMENDMENT BILL.**—The Colonial Treasurer moved that the Council resolve itself into a Committee of the whole Council to consider the Bill entitled An Ordinance to further amend the Stamp Ordinance, 1901, and the law relating to Stamps and Stamp Duty.

The Colonial Secretary seconded, and the motion was agreed to.

On the motion of the Attorney General it was agreed that the following two sections be inserted after section 9 and be numbered 10 and 11 respectively :—

10. Sub-section (1) section 18 of the Principal Ordinance is hereby amended :—

- (i.) by the deletion of the word “and” at the end of sub-sub-section (b) thereof,
- (ii.) by the insertion of the word “and” at the end of sub-sub-section (c) thereof,
- (iii.) by the insertion after sub-sub-section (c) thereof of the following new sub-sub-section :—

“(d.) Any money payable under a Policy of Insurance effected by any person on his life where the Policy is wholly kept up by him for the benefit of a donee whether nominee or assignee or a part of such money in proportion to the premium paid by him where the Policy is partially kept up by him for such benefit.”

11. Section 18 of the Principal Ordinance as amended by section 10 of this Ordinance is hereby further amended by re-numbering sub-sections (1), (2) and (3) thereof (2), (3) and (4) respectively and by inserting at the commencement thereof the following new sub-section :—

“(1.) In this and the following sections the word “estate” or “property” or “effects” of a deceased person, means the personal estate and effects of whatever kind of such person and includes property passing on the death of such person.”

Sections 10 and 11 were re-numbered 12 and 13.

Section 12 was re-numbered 14 and amended by the insertion of the following words between the words "by" and "striking" in the third line thereof—"inserting the words 'at the date of the death, in the case of property passing on death, or in other cases' after the words 'in the Colony were' and by".

Section 13 was re-numbered 15 and amended by the deletion of all the words in sub-section (1) from the words "Bills of Lading" to the end of the sub-section and the substitution therefor of the words "'Ship's Receipt' the words 'whether in the form of an Accountable Receipt or otherwise'"; by the addition of the following sub-sections after sub-section (1) to be numbered (2) and (3) respectively :—

(2.) by substituting "§5" for "§25" in Article 22 ;

(3.) by substituting "§10" for "§30" in Articles 24 and 31 respectively ;

and by re-numbering sub-sections (2) and (3) as (4) and (5) respectively.

The following new section to be numbered 16 was inserted :—

16. Whenever the Principal Ordinance shall be printed with the Ordinances amending it sections 14, 15, 16, 17, 18, 19, 21, 22, 23, 24 and 29 shall be re-numbered 18, 19, 20, 21, 22, 23, 26, 27, 28, 29 and 31 respectively and sections 20 (a) and 20 (b) introduced by Ordinance No. 44 of 1909 shall be re-numbered 24 and 25 respectively and sections 4, 5, 6, 7, 8 and 9 of this Ordinance shall be included and re-numbered 13, 14, 30, 15, 16 and 17 respectively.

Section 14 was re-numbered 17 and the word "hereby" inserted between the words "is" and "repealed".

Council then resumed, the Bill being left in Committee.

**STAMP DUTIES MANAGEMENT BILL.**—The Colonial Treasurer moved that the Council resolve itself into a Committee of the whole Council to consider the Bill entitled An Ordinance to consolidate and amend the Law relating to the Management of Stamp Duties.

The Colonial Secretary seconded, and the motion was agreed to.

The words "provided by Collector" were deleted from the marginal note to section 10 and sub-section (1) of section 10 was cancelled and the following substituted therefor :—

(1.) Forges or fraudulently alters a die or stamp or surcharges any stamp without proper authority, or forges, alters, erases, removes or cancels the authorised surcharge on any stamp ;

Sub-section (9) was re-numbered (10) and the following words were added at the end thereof :—"or any stamp the surcharge on which has been forged, altered, erased, removed or cancelled".

Sub-section (10) was re-numbered (9).

The definition of "die" in section 21 was amended by the deletion of the words "under the direction of the Collector" and the substitution therefor of the words "in the manufacture of any adhesive stamp or".

The definition of "stamp" was amended by the insertion of the words "label or" between the words "any" and "stamp" in the fourth line and by the insertion of the words "or any envelope, wrapper, card, form or paper, words, letters or marks purporting to authorise the transmission by post of any correspondence whether such stamp is issued by the Government of Hongkong or by the Postmaster General of the United Kingdom or by the Government" between the words "postage" and "of" in the fourth line thereof.

The Schedule was amended by the deletion of the word "and" in the third line of the last column and by the insertion of the words "and 30" after the figures "28" in the same line ; and by the substitution of the words "words 'fraudulently removing any postage stamp from any correspondence'" for the words "first line" in the seventh and eighth lines of the said column.

Council then resumed, the Bill being left in Committee..