

LEGISLATIVE COUNCIL.

No. 70.

LEGISLATIVE COUNCIL, No. 17.

THURSDAY, 27TH DECEMBER, 1917.

PRESENT:

HIS EXCELLENCY THE GOVERNOR
(Sir FRANCIS HENRY MAY, K.C.M.G.).

His Excellency the General Officer Commanding the Troops, (Major-General FRANCIS VENTRIS).

The Honourable the Colonial Secretary, (CLAUD SEVERN, C.M.G.).

„ the Attorney General, (JOSEPH HORSFORD KEMP).

„ the Colonial Treasurer, (EDWARD DUDLEY CORSCADEN WOLFE).

„ the Director of Public Works, (WILLIAM CHATHAM, C.M.G.).

„ the Secretary for Chinese Affairs, (EDWIN RICHARD HALLIFAX).

„ the Captain Superintendent of Police, (CHARLES McILVAINE MESSER).

„ Mr. LAU CHÜ-PAK.

„ Mr. PERCÝ HOBSON HOLYOÁK.

„ Mr. CHARLES EDWARD ANTON.

„ Mr. ROBERT GORDON SHEWAN.

„ Mr. Ho Fook.

ABSENT:

„ Mr. HENRY EDWARD POLLOCK, K.C.

The Council met pursuant to summons.

The Minutes of the last Meeting, held on the 29th November, 1917, were confirmed.

FINANCIAL MINUTES.—The Colonial Secretary laid on the table Financial Minutes Nos. 89 to 99, and moved that they be referred to the Finance Committee:—

No. 89.—Imports and Exports Department, Rent of Temporary Offices,	\$ 300.00
No. 90.—Public Works, Recurrent, Hongkong, Water Works, (22) Maintenance of Aberdeen,.....	100.00
No. 91.—Public Works, Extraordinary, Public Health and Buildings Ordinance, 1903, (24) Compensation and Resumptions,	275,000.00
No. 92.—Harbour Master's Department,—D. Steam Launches, Repairs,	8,850.00
No. 93.—Public Works, Extraordinary, Hongkong, Public Health and Buildings Ordinance, 1903, (24) Compensation and Resumptions,	6,000.00
No. 94.—Imports and Exports Department, Launch, Coal,	136.50
No. 95.—Miscellaneous Services, Honorarium to Mr. R. O. Hutchison,	676.06
No. 96.—Public Works, Extraordinary, New Territories, (45) Roads,	1,200.00
No. 97.—Miscellaneous Services, Halifax, Nova Scotia Relief Fund,	67,605.60
No. 98.—Public Works, Recurrent, Hongkong, Buildings, (3) Maintenance of Lighthouses,.....	1,400.00
No. 99.—Public Works, Extraordinary, (14) Victoria Gaol: Constructing concrete platform over lower yard,	9,500.00

The Colonial Treasurer seconded.

His Excellency the Governor addressed the Council with reference to Minutes Nos. 91 and 95.

Question—put and agreed to.

REPORT OF THE FINANCE COMMITTEE.—The Colonial Secretary laid on the table the Report of the Finance Committee (No. 15), dated the 29th November, 1917, and moved its adoption.

The Colonial Treasurer seconded.

Question—put and agreed to.

IMPORTATION AND EXPORTATION BILL.—The Attorney General moved the First reading of a Bill intituled An Ordinance to amend the Importation and Exportation Ordinance, 1915.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

The Attorney General moved the suspension of the Standing Orders so that the Bill might be read a second and a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

The Attorney General then addressed the Council and moved the Second reading of the Bill.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming, the Attorney General reported that the Bill had passed through Committee without amendment and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

CONTRACTS (WAR RESTRICTIONS) BILL.—The Attorney General addressed the Council and moved the Second reading of the Bill intituled An Ordinance to make provision with regard to the effect on certain contracts of certain requirements regulations and restrictions rendered necessary by the present war.

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 it was agreed that Section 2 be amended to read as follows :—

“2. It is hereby declared that where the fulfilment by any person of any contract which was or is to be performed within the Colony has been or shall be interfered with by the necessity on the part of himself or any other person of complying with any requirement, regulation, or restriction of the Admiralty, the Army Council, the Minister of Munitions, or the Food Controller, under the Defence of Realm Consolidation Act, 1914, or the Defence of the Realm (Amendment) No. 2 Act, 1915, or any regulation made thereunder, or with any regulation made under the Order of Her late Majesty Queen Victoria in Council made on the 26th day of October, 1896, as amended by the Order of His Majesty in Council made on the 21st day of March, 1916, that necessity is a good defence to any pending or future action or proceedings taken within the Colony against that person in respect of the non-fulfilment of the contract so far as it is due to that interference.”

Declaration as to the effect on certain contracts of certain restrictions due to the war.

5 & 6 Geo. 5, c. 8.

5 & 6 Geo. 5, c. 37.

On Council resuming, the Attorney General reported that the Bill had passed through Committee with amendments and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

FIRE AND MARINE INSURANCE COMPANIES DEPOSIT BILL.—The Attorney General addressed the Council and moved the Second reading of the Bill intituled An Ordinance to provide for the making of deposits by certain persons firms and companies carrying on fire or marine insurance business.

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 following amendments were agreed to:—

In section 2, sub-section (1), the words “within the Colony” at the end thereof were deleted.

In section 4, sub-section (1), the words “or of both fire and marine insurance business,” were inserted after the word “business,” in the second line; the words “or both fire and marine insurance business, as the case may be, within the Colony,” were inserted after the word “business,” in the sixth line; and the following new sub-section, numbered (3), was added to the section:—

“(3.) Every such deposit shall be maintained by the company whether it carries on any business within the Colony or not.”

In section 5, sub-section (1), the words “which carries on business within the Colony” were inserted after the word “company” in the first line.

In section 5, sub-section (4), the words “or intends to carry on or is empowered to carry on” in the first and second lines were deleted and the words “within the Colony” were substituted therefor.

In section (6), sub-section (1), the words “which carries on business within the Colony” were inserted after the word “company” in the first line.

In section 6, sub-section (5), the words “a copy of” were inserted after the word “Companies” in the second line and after the word “and” in the sixth line respectively; and the words “and every such copy so filed shall be signed in the same manner as is provided in the case of accounts and balance sheets by sub-section (3) of this section” were inserted at the end of the sub-section.

Section 11 was deleted and the following substituted therefor:—

“11.—(1.) Every insurance company which proves to the satisfaction of the Registrar of Companies that it is maintaining a deposit in respect of insurance business under any enactment in force in the United Kingdom, or in respect of fire or marine insurance business under any enactment in force in any British possession or protectorate, shall be exempt to the extent of such deposit from making a deposit under this Ordinance. Exemptions.

(2.) For the purposes of this section one pound sterling, or five gold dollars, or ten Straits Settlements dollars, or fifteen rupees, shall be deemed to be equivalent to ten Hongkong dollars.”

In Regulation 9 in the First Schedule the words “and typhoon” were inserted after the word “fire” in the third line; and the words “value which such property represents for the purpose of the deposit” in the fourth and fifth lines were deleted and the words “full insurable value thereof” were substituted therefor.

On Council resuming, the Attorney General reported that the Bill had passed through Committee with amendments and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

ADJOURNMENT.—The Council then adjourned until after the meeting of the Finance Committee.

REPORT OF THE FINANCE COMMITTEE.—On Council resuming, the Colonial Secretary reported that Financial Minutes Nos. 89 to 99 had been considered by the Finance Committee and recommended for adoption, and moved that the report be adopted.

The Colonial Treasurer seconded.

Question—put and agreed to.

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

F. H. MAY,
Governor.

Confirmed this 21st day of February, 1918.

A. G. M. FLETCHER,
Clerk of Councils.

No. 71.

By-law made under Section 16 of the Public Health and Buildings Ordinance, 1903, Ordinance No. 1 of 1903.

By-law No. 1 (2) (b) (i) and (ii) of the By-laws contained in Schedule B of the Public Health and Buildings Ordinance No. 1 of 1903, and published on pages 43 to 47 of the "Regulations of Hongkong, 1914" under the heading "Scavenging and Conservancy", is hereby repealed and the following substituted therefor:—

- "1 (2) (b) (i). The City of Victoria, Wong Nei Chung Village and Road (South of City boundaries), Tai Hang Village, Soo Kun Po Valley, Tung Lo Wan, Whitfield, and Shaukiwan Road from City boundary to Joint Cable Houses.
- (ii). The Villages of Shaukiwan, Shaukiwan West, Sai Wan Ho, Wong Kok Tsui, Quarry Bay, Tsat Tsz Mui, Shaukiwan Road (East of Joint Cable Houses), Chuen Lung, Ma Shan Ha, Fo Tau Fat, Tsin Sliui Ma Tau, A Kung Ngam, Aberdeen, Aplichau, Stanley, and Taitam."

Made by the Sanitary Board this 11th day of December, 1917.

C. M. W. REYNOLDS,
Secretary.

Approved by the Legislative Council of Hongkong this 21st day of February, 1918.

A. G. M. FLETCHER,
Clerk of Councils.

No. 72.

By-law made under Section 16 of the Public Health and Buildings Ordinance, 1903, Ordinance No. 1 of 1903.

By-law No. 1 of the Disinfection of Infected Premises By-laws contained in Schedule B of the Public Health and Buildings Ordinance No. 1 of 1903, and published on pages 20 to 22 of the "Regulations of Hongkong, 1914" is hereby repealed and the following by-law is substituted therefor:—

1. In the following by-laws the words "epidemic, endemic, contagious or infectious disease" shall mean and include plague, cholera, small-pox, diphtheria, scarlet fever, typhus fever, enteric fever, relapsing fever, puerperal fever, cerebro-spinal fever, and such other diseases as may