

EXECUTIVE COUNCIL.

No. 222.—It is hereby notified that His Excellency the Governor in Council has, under Section 7 of the Holidays Ordinance, 1912, Ordinance No. 5 of 1912, appointed Monday, the 1st day of July, 1918, to be observed as a General Holiday.

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

COUNCIL CHAMBER,
13th June, 1918.

LEGISLATIVE COUNCIL.

No. 223.

LEGISLATIVE COUNCIL, No. 5.

THURSDAY, 6TH JUNE, 1918.

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, C.B.E.).

„ the Colonial Treasurer, (ALEXANDER MACDONALD THOMSON).

„ 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. HENRY EDWARD POLLOCK, K.C.

„ Mr. EDWARD SHELLIM.

„ Mr. DAVID LANDALE.

„ Mr. LAU CHÜ-PAK.

„ Mr. PERCY HOBSON HOLYOAK.

„ Mr. HO FOOK.

The Council met pursuant to adjournment.

The Minutes of the last Meeting, held on the 30th May, 1918, were confirmed.

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

Report on the Assessment for the year 1918-1919.

Report on the Botanical and Forestry Department for the year 1917.

FINANCIAL MINUTES.—The Colonial Secretary laid on the table Financial Minute No. 27, and moved that it be referred to the Finance Committee:—

No. 27. Crown Solicitor's Office, Extra Legal Expenses, ... \$ 600.00

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 (No. 3), dated the 30th May, 1918, and moved its adoption.

The Colonial Treasurer seconded.

Question—put and agreed to.

QUESTIONS.—Mr. HOLYOAK, pursuant to notice, asked the following question:—

With reference to the statement made by the Director of Public Works on the 30th May regarding the Taitam Tuk pumping engines, will the contractors be held responsible for the defects in these engines?

The Colonial Secretary replied.

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

1. *Were any steps taken to approach any of the local Engineering Firms with a view to their repairing or replacing the damaged cylinder referred to by the Director of Public Works in his statement at the meeting of the Council held on the 30th May regarding the curtailment of the water supply?*
2. *If no such steps were taken why were they not taken?*

The Colonial Secretary replied.

GENERAL MILITARY SERVICE BILL.—His Excellency the Governor addressed the Council and made a statement in connection with the Bill intituled An Ordinance to provide for the raising of a force the members of which shall be liable to service with His Majesty's Forces outside the Colony during the present war.

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

The Colonial Secretary seconded.

Mr. POLLOCK and Mr. HOLYOAK addressed the Council.

His Excellency the Governor replied.

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:—

The word "person" in the definition of "Civil Servant" was deleted and the words "British subject" substituted therefor.

The following new definition was inserted after the definition of "Civil Servant":—

"Competent Military Authority" shall have the same meaning as in the Army Act.

The figure "9" in the definition of "Enrolment Lists" was deleted and the figures "10" substituted therefor.

The word and figure "section 10" in the definition of "Force" were deleted and the words and figures "sections 10 and 11" substituted therefor.

The figures and word "5 and 11" in the definition of "Proper Authority" were deleted and the figures and word "5 and 6" substituted therefor.

In section 3, sub-section (1) (d), the comma and all the words from and including the word "and" in the third line to the end of the section were deleted.

In section 3, sub-section (2), the words "include any civil servant in an Enrolment List" at the end thereof were deleted and the words "decide that any civil servant of or over the age of eighteen years, who shall not have attained the age of forty years before the commencement of this Ordinance, should be enrolled in the force" were substituted therefor.

Section 4.—Mr. HOLYOAK moved and Mr. POLLOCK seconded that after the words "It shall be lawful for the Governor to appoint such and so many persons as he may think fit" should be added the words "other than members of the Executive Council".

The section was left over to be considered at the next meeting of the Legislative Council.

The following new section, numbered 5, was inserted after section 4:—

5.—(1) It shall be lawful for the Proper Authority, at any time or times, to order ^{Medical} any male British subject of or over the age of eighteen years, who shall not ^{examination.} have attained the age of forty years before the commencement of this Ordinance, to attend at such time and place as may be specified in the said order and there to submit himself to be medically examined for the purposes of this Ordinance.

(2) If any such British subject without lawful excuse fails to comply with any such order as is referred to in this section he shall upon summary conviction be liable to a fine not exceeding two hundred and fifty dollars and to imprisonment for any term not exceeding six months.

The old section 5 was re-numbered 6, the word "It" in the first line was deleted and the words "Subject to the provisions of section 3 of this Ordinance, it" were substituted therefor, the words "forty-one" in the fifth line were deleted and the word "forty" substituted therefor, and the words "and who, upon the medical examination referred to in section 5 of this Ordinance, shall have been certified as medically fit for enrolment in the force," were inserted before the word "to" in the sixth line.

In sub-section (5) of the former section 5, re-numbered (6), the words "at any one time" were inserted after the word "months" at the end thereof.

Mr. POLLOCK moved as an amendment that the proviso at the end of sub-section (6) of the former section 5, re-numbered 6, be deleted.

Mr. HOLYOAK seconded.

On the amendment being put to the vote it was declared lost, seven members voting against and six—Mr. POLLOCK, Mr. SHELLIM, Mr. LANDALE, Mr. LAU CHÜ-PAK, Mr. HOLYOAK, and Mr. HO FOOK—for the amendment.

On the motion of the Attorney General, the following further amendments were agreed to:—

In sub-section (6) of the former section 5, re-numbered 6, the word "four" in the last line was deleted and the word "six" was substituted therefor.

In sub-section (7) of the former section 5, re-numbered 6, the words "in writing" were inserted after the word "communicate" in the first line.

Section 6 was re-numbered 7, the words "exemption has been granted" in the second and third lines were deleted and the words "the Tribunal has decided to grant exemption" substituted therefor, the words "refused to grant exemption, stating in each such" in the fifth line were deleted and the words "decided that the British subject in question should be enrolled, stating in every" substituted therefor, the word "refusal" in the sixth line was deleted and the word "decision" substituted therefor, and the words "in writing" were inserted after the word "communicated" in the sixth line.

Section 7 was re-numbered 8 and the words "in writing" were inserted after the word "communication" in the first line.

Section 8 was re-numbered 9.

Section 9 was re-numbered 10, and the second and third lines of sub-section 1 (a) were deleted and the words "decided that such person should be enrolled, provided that no appeal against such decision has been prosecuted before the Governor in Council" were substituted therefor; and the following new sub-sections lettered (b) and (c) were inserted after sub-section 1 (a):—

- (b) Every person in whose case the Governor in Council on appeal has decided that such person should be enrolled;
- (c) Every civil servant in whose case the Governor has decided that such civil servant should be enrolled;

sub-section 1 (b) was re-lettered (d) and the figure "8" in the last line was deleted and the figure "9" substituted "therefor", sub-section 1 (c) was re-lettered (e) and the full-stop at the end thereof was deleted and a semi-colon substituted therefor, and the following proviso was inserted as the end of the sub-section:—

- "Provided that it shall be lawful for the Governor to omit from such Enrolment Lists the name of any person who before the twentieth day of May, 1918, applied to the Military Service Commission for permission to volunteer for active service outside the Colony."

In sub-section (2) of section 9, re-numbered 10, the figures "10" in the last line were deleted and the figures "11" substituted therefor.

Section 10 was re-numbered 11.

Section 11 was deleted.

Section 13 was re-numbered as sub-section (1) and the following new sub-section, numbered (2), was inserted at the end thereof:—

- (2) Every British subject ordered to attend before the Tribunal, and every civil servant whose case may be enquired into by the Governor under the provisions of this Ordinance, shall, on oath if so required, truthfully and fully answer all enquiries which may be addressed to such British subject or civil servant by the Tribunal or by the Governor, as the case may be, and shall produce any documents in his possession or under his control which the Tribunal or the Governor, as the case may be, may order such British subject or civil servant to produce.

- (3.) If any such British subject or civil servant, as the case may be, fails to comply with any of the provisions of sub-clause (2) of this section, he shall upon summary conviction be liable to a fine of two hundred and fifty dollars and to imprisonment for any term not exceeding six months.

In the Schedule, Form No. 3 was re-numbered 1, and the figures "11" in the first line were deleted and the figure "5" substituted therefor.

Form No. 1 was re-numbered 2 and the figure "5" in the first line was deleted and the figure "6" substituted therefor.

Form No. 2 was re-numbered 3 and the figure "9" in the first line was deleted and the figures "10" substituted therefor.

The Bill was left in Committee.

ADJOURNMENT.—The Council then adjourned until Monday, the 10th day of June, 1918.

F. H. MAY,
Governor.

Confirmed this 10th day of June, 1918.

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

No. 224.—His Excellency the Governor has given his assent, in the name and on behalf of His Majesty the King, to the following Ordinance passed by the Legislative Council:—

Ordinance No. 9 of 1918.—An Ordinance to provide for the raising of a force the members of which shall be liable to service with His Majesty's Forces outside the Colony during the present war.

HONGKONG.

No. 9 OF 1918.

I assent to this Ordinance.

LS

F. H. MAY,
Governor.

14th June, 1918.

An Ordinance to provide for the raising of a force the members of which shall be liable to service with His Majesty's Forces outside the Colony during the present war.

[14th June, 1918.]

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the General Military Service Ordinance, 1918.