

10TH DECEMBER, 1908

**PRESENT :—**

HIS EXCELLENCY THE GOVERNOR —  
SIR FREDERICK DEALTRY LUGARD,  
K.C.M.G., C.B., D.S.O.

H. E. MAJOR-GENERAL R. G. BROAD-  
WOOD, C.B., A.C.D. (General Officer Com-  
manding).

HON. MR. F. H. MAY, C.M.G. (Colonial  
Secretary).

HON. MR. W. REES DAVIES, K.C.  
(Attorney-General).

HON. MR. A. M. THOMSON (Colonial  
Treasurer).

HON. MR. W. CHATHAM, C.M.G.  
(Director of Public Works).

HON. MR. E. A. IRVING (Registrar-  
General).

HON. MR. F. J. BADELEY (Captain  
Superintendent of Police).

HON. DR. HO KAI, M.B., C.M., C.M.G.

HON. MR. WEI YUK, C.M.G.

HON. MR. H. A. W. SLADE.

HON. MR. W. J. GRESSON.

MR. C. CLEMENTI (Clerk of Councils).

**Minutes**

The minutes of the last meeting were read,  
and confirmed.

**Financial Minutes**

THE COLONIAL SECRETARY, by  
command of His Excellency the Governor,  
laid on the table Financial Minute (No. 69)  
and moved that it be referred to the Finance  
Committee.

THE COLONIAL TREASURER  
seconded, and the motion was agreed to.

**Financial**

THE COLONIAL SECRETARY, by  
command of His Excellency the Governor,  
laid on the table the report of the Finance  
Committee (No. 19) and moved its adoption.

THE COLONIAL TREASURER  
seconded, and the motion was agreed to.

**New Territories Small Debt Court  
Ordinance**

THE ATTORNEY GENERAL moved the  
second reading of the Bill entitled An Or-  
dinance to empower a Magistrate to hold a  
Small Debt Court in the New Territories and  
to regulate the proceedings in relation  
thereto. In doing so he said—Experience  
has shown that it is desirable to enable a  
magistrate to deal with small debts in the  
New Territories. The powers conferred  
under the Magistrates Ordinance of 1890  
generally extend to civil debts in the ordi-  
nary sense of the term, as they are confined to  
claims declared by the Ordinance to be re-  
coverable civil debts. The Bill therefore  
proposes to give a magistrate in the New  
Territories jurisdiction to hear and deal with  
cases summarily where the amount sought  
to be recovered does not exceed \$200. It  
requires that a defendant do reside or carry  
on business in any part of the New  
Territories exclusive of New Kowloon which  
is defined in Ordinance 8 of 1900. It further  
requires that action be brought within three  
years after the cause of action arises. That  
is in accordance with the Statute of Limit-  
ations which requires an action to be brought  
within a definite period of time after the  
cause of action arises. This Bill creates the  
necessary machinery for carrying this out  
and for issuing the process of the Court in  
respect of which any judgment should be  
given. It empowers a magistrate, if in his  
opinion the subject of action is of sufficient  
importance to be dealt with in the Supreme  
Court, to decline to proceed with the action,  
and the plaintiff then will have a right to  
start *de novo* on the Summary side of the  
Supreme Court. This is an important  
provision because having regard to the fact  
that the amount of claim is limited to \$200  
it is not proposed in the Bill to grant any  
right of appeal. Questions may arise which  
the magistrate may consider of sufficient  
importance to engage the attention of the  
Supreme Court, and questions with which he  
would not be justified in dealing summarily,  
so he is given by this Bill power to refer the  
matter to the Supreme Court. He is also  
empowered to review any judgment or deci-  
sion given by him within one month of date  
and to re-open and re-try cases. That, Sir,

already exists under the Summary Jurisdiction Ordinance. It appears to be a proper one because it is quite possible that evidence may be forthcoming which was not available at the time judgment was given. The Bill is based generally on precedent, the Summary Jurisdiction Act of 1873, and it certainly seems desirable in as far as distance is concerned and with a view to expediting the administration of justice in the New Territories that this Bill should be passed.

**THE COLONIAL SECRETARY** seconded and the motion was agreed to.

The Council then went into Committee to consider the Bill clause by clause, and on resuming the Attorney-General reported that the Bill had passed through committee without amendment.

### **Magistrates Ordinance Amendment**

**THE ATTORNEY GENERAL** moved the second reading of the Bill entitled An Ordinance to amend the Magistrates Ordinance 1890 and to effect certain other amendments in the Criminal Law. In doing so he said—It effects some amendments in the criminal and magisterial law of the Colony. The objects and reasons which are attached to the Bill give categorically the reasons for each Section. Clause 3, which gives the power of imposing imprisonment in the failure of a defendant to comply with his sureties to be of good behaviour, is simply based on the same basis as the subsequent clause in the Ordinance which gives a magistrate power to impose imprisonment where a man fails to enter into sureties to keep the peace. It would appear to have been an omission in the original Ordinance and the object of the amendment is to put both on a basis of uniformity. As regards Section 4, at the present time power to impose a whipping is confined to certain cases only, and magistrates have found in cases of youths that they have had to impose imprisonment or let the youth go altogether. The object of this is to extend the power of whipping which is a salutary amendment. It is based on the principles which now govern all colonies as they do at home so as to avoid sending youths to prison. The power will have to be exercised with discretion, but I submit it

is a good one and will have a salutary effect. Instead of sending a youth under 16 to prison it empowers a magistrate to order him to be whipped. As regards Section 5, the Ordinance recently passed affecting the law imposing punishment by stocks and the Ordinance drafted by me was to the effect that punishment would only be imposed in cases of offences punishable by imprisonment. As my honourable and learned friend opposite remembers we had some difficulty at the time in considering the phraseology that would best meet the point in view, and subsequently to the passing of the Ordinance it was brought to the notice of the Government that the Magistrates Ordinance of 1889 gave an alternative power to a magistrate to impose a fine except in cases stated where he was required to impose imprisonment. The effect of that is to nullify to a great extent the intention of the Ordinance as it stands, and certainly it was entirely opposed to the intentions of this legislature which when the subject was discussed was of opinion that the imposition of punishment by stocks should be modified only in a degree. It was never intended to modify it to the extent which would be the case if the particular section of the Magistrates Ordinance to which I referred was brought into effect. That being so, we felt it desirable to clear up the matter altogether so as not to nullify the effect of the existing legislation. The only object we have in view is to preserve what is the proper effect of existing legislation. Since I have come to the Council to-day I find that my hon. and learned friend opposite has some doubts as to the wording of the clause as it stands at present. I can only say that the object of the clause—and that after full consideration of the subject by all the magistrates concerned and by those who have had long experience of magisterial courts—is simply to preserve existing legislation. I am quite sure I have Your Excellency's consent for saying that it is the intention of the Government to preserve the existing state of things. With regard to Clause 7, first sub-section, Clause 18, the Government intends to modify these proposals and an alternative clause will be submitted to the Council upon which His Excellency will have some observations to make.

**THE COLONIAL SECRETARY** seconded.



HIS EXCELLENCY—I do not propose to discuss any of the various clauses alluded to by the hon. Attorney-General at the present moment, but before we go into Committee on the Bill I will say a few words regarding the first sub-section of Clause 7. The clause as it stands printed in the Bill before us makes spitting a "nuisance" and therefore it would devolve upon the Police to enforce the law and to arrest persons who were breaking it. Since my attention was first directed to this matter, which is now many months ago, there have been several important and interesting debates at the Sanitary Board on the subject. It was proposed by some of the members that notices should be posted in public places prohibiting this habit, and several gentlemen who have an intimate acquaintance with Chinese character considered that method would be effective. The hon. member who represents the Chamber of Commerce did not, I think, share that view entirely and was opposed to a policy of *laissez faire*. In that I quite agree with him, but I hope the amendment which will be proposed will meet his view. It is generally to the effect of empowering the Governor in Council to issue regulations should occasion demand and to attach penalties for the breach of those regulations. Although I think it is very advisable to publish notices in public places if there is any prospect of their being effective, I am opposed to the issue of a prohibition which may be ignored with impunity and which the Government has no power to enforce. I therefore think that if such notices are published there should be a means of enforcing them in case of their disregard. At the same time I think it is unnecessary to burden the statute book with another amendment to a Bill which we have already under consideration. The insertion of the amending clause which is proposed will enable the matter to be dealt with so far as the law is concerned without necessitating any further amendment to the Ordinance hereafter.

As regards the necessity for taking any action in this question, the habit which we are discussing is not only a disgusting one which is not tolerated in any civilised city and against which I believe legislation has been enacted in America and quite recently in the Straits Settlements, but it is also one which in my opinion is detrimental to the public health. It has, I think, been amply demon-

strated that tuberculous disease is spread by this means. In the dry months before us matter discharged from the mouth and nostrils dries in the sun, is pulverised, hung in suspension in the atmosphere, and is inhaled into the lungs of healthy persons. I am myself strongly opposed to paternal legislation which interferes with the convenience of the individual unless it can be demonstrated that that convenience is exercised to the inconvenience of the majority or to the detriment of public health. I do not think it is asking too much to require persons addicted to the habit of expectoration to move to the side of the pathway and expectorate into the drain or as regards public halls and stairways that they should be required to use spittoons which I think it is equally reasonable that owners should provide for the purpose. I base my view of the necessity for taking action in this matter not merely or primarily on the social inconvenience of any particular class of the community as for instance the soiling of European ladies' dresses, but on the ground that it is a danger to the public health and is in my opinion of very great hygienic importance. The exact terms of the amendment will be read to you in the Committee stage and then you will have the opportunity of amending or altering them.

HON. MR. SLADE—Your Excellency, I intended to oppose the second reading of this Bill in view of Sub-section 1, Section 7 to which Your Excellency has just referred. I understand it is intended to entirely alter this clause. I think, Sir, this is an important matter and it seems to me that it needs a great deal of consideration, lest some regulations may be confirmed which will cause annoyance to the Chinese community here. I am therefore of opinion that with Your Excellency's permission it might be better if we had time to consider the new form in which this clause is to be enacted instead of discussing it immediately this afternoon. I do not know if that meets with the views of other members, but it seems to me an important thing which needs careful consideration.

HON. DR. HO KAI—Your Excellency, it was my intention also to oppose the second reading of this Bill, in fact I learned that my hon. friend who has just sat down wished

to say something against the second reading and I left it to him to speak. Now, Sir, this Ordinance was introduced to further amend the Magistrates Ordinance of 1890, and under the title of that it introduced one of the alterations in a former Ordinance which excited a good deal of discussion and consideration between myself and my colleague representing the Chinese on this Council and the learned Attorney General. After much discussion, as he has stated, we had fixed upon certain phraseology and that phraseology was set forth fully in the Stocks Punishment Limitation Ordinance of 1907. This Ordinance is to be repealed, but I submit as we have been consulted before as to the phraseology of that Ordinance we should have been consulted as to the drafting of some clause which would meet the difficulty. Now the present substitution for that clause in Section 5 reads (Quotes). That includes a very large number of offences, in fact offences which in our previous discussion had been admitted on all sides to be offences which ought not to be punished by the stocks. Now in turning over the index attached to the revised Ordinance we find under "misdemeanour" a large number of offences, such as celebration by a minister of an unlawful marriage, or of marriage by unauthorised persons, disobeying an order of banishment, disturbing divine service at St John's Cathedral, fraudulent bankruptcy, removing adhesive stamps, false statements in registering births and deaths, and officers certifying false documents, and so on. I will just refer to one which the Ordinance clearly declares to be a misdemeanour—the removing of adhesive stamps. I am referring to Ordinance No. 16 of 1901, Section 27 (Reads.) By the terms of this new section the removal of adhesive stamps is also punishable by stocks, because it is a misdemeanour. That will show that the punishment by stocks can be awarded to any person who commits as it were an offence against this. That is going far beyond what we have agreed to in respect to punishment by stocks. The great objection to this is no doubt Section 7. As I have not seen the amendment of which Your Excellency spoke I cannot say anything about, it but on principle I must say I protest strongly against the introduction of this clause which has the effect of making a habit, however dirty and filthy it may be, a criminal offence. And this is under the title of An Ordinance

further to amend the Magistrates Ordinance of 1890 and to effect certain other amendments in criminal law. Sir, I do not advocate the habit of spitting in public or in any place, but at the same time we must consider that spitting is either voluntary or involuntary—voluntary when a man spits with a will, but sometimes a man spits when he is under the necessity of doing it. A man who has something in his mouth or who gets something nasty in his mouth at once spits it out. I remember a story of a Chinese philosopher who had a great repugnance to eating animal food and especially to goose flesh. One day he was treated to a certain dish of which he partook freely until he was suddenly told that what he was eating was goose flesh. This philosopher jumped out of his chair at once, went outside and spat—spat for all he was worth. It was lucky for him that at that time there was no Ordinance making spitting a criminal offence. Take as an example public theatres, Chinese theatres, where people sit and have food, tea, fruit, and all sorts of things, and they can also smoke while they are witnessing the performance. Supposing anything nasty got into a man's mouth there I say it is a matter of necessity that he should spit: it is an involuntary act on the part of that person, and now you are making it a criminal offence for which a man can be run in and fined. Again in schools, it may be a matter of discipline, yet at the same time children spitting in the playground are liable to be had up and according to another provision instead of being put in gaol will be liable to a whipping. Then with regard to offices and flats. With flats in European houses and flats occupied by business men regulations of this kind will no doubt be a benefit, but Chinese tenement houses are let out in flats not as places of business but as residences. Spitting in all these places will have to be prevented. I appreciate Your Excellency's statement that this section is not being introduced against any particular section of the community, but I venture to submit that it will be very difficult indeed to appreciate that statement, because the very large population of Chinese here who have been accustomed to expectorating not only at home but outside would constantly be offending against the law without perhaps intending to do so. Habit is second nature and becomes a sort of involuntary act, and a provision of this kind would, I am



quite sure, deter a great number of Chinese from visiting this Colony or regarding it as a desirable place in which to live. We have already, Sir, had many experiences in measures dealing with the sanitary improvement of the Colony, and I would remind Your Excellency that we have recently found that the relaxation of the law has been instrumental in promoting the diffusion of sanitary knowledge among the Chinese, and has obtained much better results than strict adherence to the letter of the law. I think if it is desired to inculcate abstention from spitting in public or in offices, notices should be published warning the people not to spit, and at the same time providing spittoons in offices. Let us try that measure first. I am quite sure that in time it would be successful. Outside in the street what can we do? Are we to give the Police power to arrest everybody found spitting there, or are we to instruct police officers to exercise certain discretion in allowing some to do it and not allowing others. If we strictly carried out the law I am afraid the gaol compound would not be sufficient to accommodate those arrested. If you say the law will not be enforced strictly then I say first of all what is the use of having a law on the statute book without enforcing it. Again, if we are to leave the discretion to common police officers we are in danger of placing in their hands a powerful instrument of oppression. I am not speaking in any disparagement of the police force of the Colony and I hope the Captain Superintendent will not think I am belittling the splendid force under his command. I am only putting it as a general principle. If you entrust these discretionary powers to a common constable are you not running in danger of giving him power to do evil and become oppressive? Now, Sir, I know arguments have been advanced that in Singapore they have passed an Ordinance of this kind. Moreover in Singapore they have managed to do away with the vexed question of subsidiary coin and what is more they have succeeded in establishing a Municipal Council. But it does not follow we should follow them in all respects, and in this particular instance it would be a mistaken policy to follow Singapore. Sir, I approach this question with no prejudice whatever. As a strict sanitarian I say it is desirable in certain respects, but just now Your Excellency has drawn a picture which scientifically may be

regarded as correct. That is to say that spit on the ground gets dried and the germs fly about and carry infection. On the other hand what is the substitute for spitting on the ground? A man has to carry a handkerchief with him. That article is a very necessary one, but if we were to stop people in the street and search their pockets we would find very few. Supposing they spit into handkerchiefs or sneeze in them the germs gets into the handkerchief. Then they put it into their pocket, thereby infecting their clothes, which is just as dangerous. Or if they have not a handkerchief they use their coat sleeve. What then? Does this not also carry infection. Is there any difference in spitting into a gutter or on the pavement or spitting into a coat? I submit there is not much difference so far as the spread of infection is concerned. Sir, for the reasons I have stated I can perceive a great deal of opposition to this clause unless it be amended in such a way as to remove all the objections. And I think, after all, that this is not a matter of very great urgency. The Government would be exercising the wisest discretion in postponing its consideration for some little time. I intended asking that the Bill should be read a second time twelve months hence, but in view of what your Excellency said about amending Clause 7, I think it would be better if the second reading of the Bill could be postponed for a fortnight or three weeks.

HON. MR. WEI YUK—I quite concur with all the Hon. Dr. Ho Kai has said, and hope that the Council will see its way to postpone the second reading of the Bill.

HON. MR. HEWETT—Your Excellency, in your opening remarks you referred to the fact that I was the representative of the Chamber of Commerce. I may state that anything I say at this meeting is entirely on my own account as I have not consulted the Chamber of Commerce in the matter. The hon. unofficial member on my left referred to one of the clauses in the Bill which makes the removal of adhesive stamps punishable by stocks. I presume the use of stocks in any case is exercised with the greatest possible discretion by officers to whom the power is granted. Speaking from my own personal experience I should say that the removal of adhesive stamps may lead to very serious frauds for a great

number of years, and from a commercial point of view it is one of the most serious offences that can be committed, and therefore I think the law officers of the Crown should have the widest possible powers to deal with the offence. If in certain cases the best means of punishment is the stocks I think that power should be in the hands of the law officers who can be trusted to exercise discretion. The main point under consideration however is Clause 7, section 3, Sub-clause 18, with regard to spitting. The hon. unofficial member on my right and the hon. Chinese members have both suggested that the discussion on this question should be postponed. I do not see any necessity for that at all. The question is a very old one and they have had ample opportunity of considering and discussing it. I do not see that anything will be gained by postponing it for a few weeks or a few months. We will be no nearer to a solution than at the present moment. The hon. member on my left appears to think that the whole street are spittoons. The penalties are for spitting on the street walks and in public buildings. In supporting this what I consider most wise and necessary reform on the part of the Government—I say I am the last member to support any grandmotherly legislation—I believe that this is a really seriously demanded reform, and it is perfectly idle to suppose by putting up notices and asking the floating-Chinese population of Hongkong to gradually learn that they must not spit in certain premises is a waste of time. Much better go to the root of the matter at once and legislate. Although it is not made much of in the official returns, tuberculosis is one of the most serious evils in Hongkong. We have an incredible number of deaths from tuberculosis which must be largely due to this disgusting habit. Therefore, Sir, I think the Government is perfectly right to ask for legislation now. We can trust the Government that it will not be unduly enforced in the first place. We will gradually educate the Chinese and other sections of the community into realising that they must not spit promiscuously where they please. I trust the Government will not delay the legislation but proceed with the matter at once.

**THE ATTORNEY-GENERAL**—In reply to the remarks of the hon. gentleman on the subject of stocks, I have to say as I said before

that this definition has been the subject of most mature consideration. My hon. friend will probably say that the other definition was equally so. It has been difficult to get a definition in anything like the exact terms of what we wish to carry out. I think, Sir, my hon. and learned friend will find that the alteration modifies on the lines desired by him, the imposition of stocks. I have a list here which shows the particular offences in which certain offences would not be included. For instance the Licensing Act, the Merchant Shipping Ordinance, the Pawnbrokers Ordinance, the Police Court Ordinance No. 1 of 1845, Water Works Ordinance, Rogues and Vagabond and Malicious Damage. All those would not come within the category and the result would be that stocks would not be imposed in respect of them. The hon. member drew attention to certain offences which come under the heading of misdemeanours declared by the Ordinance to be such. I have had an opportunity since he has been speaking of looking through them and there are only, I think, three or four offences which are not governed by the existing law, and are declared to be misdemeanours by statute. They are celebration of unlawful marriages, disobedience of an order of banishment and disturbance of divine worship at St. John's Cathedral. These are declared expressly to be misdemeanours by statute. All I can say, speaking generally, is that two out of three would be perfectly legitimate subjects for stocks. If a man goes and brawls in church and interferes with divine worship I think the punishment of stocks is a very suitable punishment for him. They are all, however, left to the discretion of the Magistrates. They don't impose stocks because they have the power but they impose them because the man before them is a criminal whom they wish to prevent reappearing from day to day before them in the Police Court. I think, Sir, therefore, that it is right at once to say that whatever course is adopted the objections taken by my hon. and learned friend with regard to stocks are not well formed. The particular cases to which he has alluded, although they may strictly speaking come within the purview of the Ordinance, really have little bearing. I don't think his objections are well founded and have little practical bearing.

**THE COLONIAL SECRETARY**—Sir, one could not help appreciating the eloquence



of the senior unofficial member in defending what I suppose to be the ignorant members of the community from the grip of the brutal policeman for spitting in the street, but he seems to have forgotten that it is not spitting in the street that would be an offence. It is spitting on the pavement. Alongside every pavement there is a gutter in which a man can spit just as well as he can spit in a receptacle placed in a room or a lobby or a verandah. The amendment which Your Excellency proposed to submit to the Council in Committee I think will probably meet the objections of the hon. member, and I will read it to you, It runs: "First sub-section of Clause 7—For the purpose of promoting the sanitation and cleanliness of public places the Governor in Council may at all times hereafter make and vary regulations for the following purposes: (a) For the prohibition of spitting . . . upon the footway or public street and in all such buildings and vehicles, trams, railway cars, and other places as may be described in such regulations. (b) For the imposition of penalties for the violation of any such regulations and for prescribing the mode of their recovery. Such regulations shall be published in the Gazette and shall have the force and effect of law in the same manner as if they were incorporated in this Ordinance." The effect of that would be that this new law would be limited entirely to the public places to which I have mentioned, wharves, jetties, footways of public streets and only to such buildings as the Governor-in-Council may prescribe. I think the hon. member will credit the Governor-in-Council with the use of discretion in the selection of buildings that would be prescribed. I trust, Sir, that with this explanation hon. members will accept the Bill on the understanding that in Committee the section to which I have alluded will be amended in the manner just described.

HON. MR. GRESSON—I should like to ask if we do not accept the amendment in Committee what will be the result if the Bill is read a second time?

HIS EXCELLENCY—If the Bill is read a second time the principle would be accepted but the details of wording of the amendment would be subject to alteration in Committee.

HON. DR. HO KAI—I have been speaking to the second reading of the Bill. I am going to propose an amendment and beg to move

that this Bill be read a second time this day twelve months, because, as Your Excellency has just said, if we were to let this Bill pass the second reading it will be taken to approve of the principle that legislation on this subject is necessary, which, as I have just submitted, was not my opinion.

HON. MR. WEI YUK—I beg to second the amendment.

On the amendment being put the "ayes" were Hon. Mr. Slade, Hon. Mr. Gresson, Hon. Mr. Wei Yuk and the Hon. Dr. Ho Kai.

Those who voted against the amendment were the Colonial Secretary, the Colonial Treasurer, the General Officer Commanding, the Director of Public Works, the Attorney-General, the Registrar-General, the Captain Superintendent of Police, and the Hon. Mr. Hewett.

HIS EXCELLENCY—The "noes" have it by eight votes to four.

Council then went into Committee to consider the Bill clause by clause.

HIS EXCELLENCY—With regard to the clause regarding spitting, the amendment to which has just been read by the Clerk of Councils, the extent of the penalty to be imposed by the Governor in Council might be limited. I think myself it is reasonable to suppose that the Governor in Executive Council would use common sense and only apply regulations if necessity were shown on application by the Sanitary Board or otherwise. In speaking to the point the hon. senior unofficial member (Dr. Ho Kai) laid great stress upon the fact that a man who was under the involuntary necessity of spitting would have no possibility of doing so except into his handkerchief. There would be spittoons provided in all public places. In streets it is only on the pavement that spitting is objected to, and it seems to me that this is a very reasonable proposal.

HON. DR. HO KAI—The only thing is that such a large number of people will be fined.

HIS EXCELLENCY—Why so? It is very little to require of them to spit off the pavement.

HON. DR. HO KAI—It is a habit and it takes some time to get a man to cast off a habit, also it is difficult when a fit of coughing comes on.

HIS EXCELLENCY—We do not ask them to break the habit. We ask them not to spit on the pavement.

HON. MR. HEWETT—Sir, if you accept the arguments of the hon. member on my left we will never have any sanitary reform in Hongkong at all. I would advise you to go right on.

HON. DR. HO KAI—That is all very well, but I do not approve of those high handed ways and remarks.

HON. MR. GRESSON—A certain number of us feel that we must at the present moment forbear with Chinese prejudices. The hon. member representing the Chamber of Commerce does not appear to be able to get this into his head. Every one of us agree that it is a desirable Bill, but say that the time is not ripe for forcing down Chinese throats regulations as these.

HON. MR. HEWETT—The hon. member near the door apparently overlooked the fact that I stated in my remarks that the Government would not enforce these regulations too vigorously. I have probably had a great deal more experience in sanitary matters and of Chinese generally than the hon. member nearest the door.

HIS EXCELLENCY—As the amendment stands the Governor in Council "may at all times hereafter" make and vary regulations. I should be prepared to give an Undertaking to the Council that no such regulations would be made for a period of six months. I am in favour of trying the suggestion of the Sanitary Board that public notices should be posted first, and if they are successful no further action need be taken.

HON. MR. SLADE—Wouldn't it be just as well then not to bring in this clause just now? A great deal had been done in all sanitary matters by educating and obtaining the co-operation of the Chinese. Wouldn't it be as well to see if anything could be done in this respect?

HIS EXCELLENCY—I propose to do that. But if we erase the clause it will mean again amending a Statute which we have passed. We have had in this Colony too frequently to pass amending Ordinances to Bills shortly after they have been passed.

HON. MR. SLADE—I do not agree with the principle of punishment for a matter of that kind, because we have so many men coming here from the mainland who have no opportunity of knowing what is wanted to be done in the Colony in a small matter like that. They have been in the habit of doing this all their lives and to punish such people for such an offence seems to me hard lines and harsh treatment.

HIS EXCELLENCY—We will put up public notices.

HON. MR. SLADE—But can they all read? That is the point.

HON. MR. HEWETT—If we put spittoons in offices and find a man spitting elsewhere can we prosecute him for committing a nuisance? If we have no remedy I do not see how legislation is going to further sanitary reform. That is the only way to educate the community that they must not spit where they please.

HON. DR. HO KAI—That is all very well but what we say is that the present time is not opportune.

HON. MR. HEWETT—Where will you be six months hence?

HON. DR. HO KAI—Perhaps in six months time you wont want to prosecute. Probably no one will go to your office.

HIS EXCELLENCY agreed to allow Sections five, eight and twelve to stand over for a week.

#### **Fire Insurance Companies Ordinance.**

THE ATTORNEY GENERAL moved the second reading of the Bill entitled An Ordinance to amend The Fire Insurance Companies Ordinance 1908.—In doing so he said:—This Bill was passed through during the present year and as stated in the objects and reasons it was considered by the Board of Trade that the rights of creditors and shareholders were not being sufficiently safeguarded, and provision is therefore made that if the company or any member or creditor feels aggrieved by the name of the company having been struck off the register the company, member or creditor may apply to the Court and the Court if it be satisfied that



it is just so to do may order the name of the company to be restored to the register. I may say, Sir, that it is based generally on the Life Insurance Companies Ordinance of 1907 passed last year. It puts the two Ordinances on a similar footing with the exception that it extends the right to the creditors as well as members of the company. It creates uniformity and the same power is proposed to be exercised in the other small Bill before the Council generally amending the Companies Ordinance.

THE COLONIAL SECRETARY seconded and the Bill was read a second time.

The Council then went into Committee and considered the Bill clause by clause.

On resuming—

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee with slight amendments and moved that it be read a third time.

THE COLONIAL SECRETARY seconded and the Bill was read a third time, and passed.

#### **Interpretation Ordinance Amendment.**

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled An Ordinance to amend The Interpretation Ordinance 1897 and to remove an Ambiguity in the construction of the same. In doing so he said—The object of this Bill is to keep in force the right to bring any action for criminal conversation. I may say, Sir, it is purely a legal point and in order to give effect to decisions of the Supreme Court to maintain the right for an action for criminal conversation in this colony because no power to bring divorce proceedings exist. The Bill has been carefully considered. It was somewhat technical and needed careful consideration. It is required owing to a decision of the Supreme Court.

THE COLONIAL SECRETARY, seconded and the Bill was read a second time.

The Council then went into Committee to consider the Bill clause by clause.

On resuming—

THE ATTORNEY GENERAL reported that the Bill had passed through Committee and moved that it be read a third time.

THE COLONIAL SECRETARY seconded and the Bill was read a third time and passed.

#### **Companies Ordinance Amendment**

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled An Ordinance to further amend the Companies Ordinance 1866. He said—The object of this Bill extends to creditors of a company the same right as a company or its members possess in the case of a defunct company being struck off the register, under the Companies Ordinance 1865. Procedure is laid down as regards the striking of a defunct company off the register, and gives to a member of such company power to apply to the Court. It has been deemed advisable that that power should also be extended to a creditor of the company. Where proceedings are taken and a company is struck off the register it has been deemed desirable that a creditor of the company should have the same right and privilege of going to Court as the company.

THE COLONIAL SECRETARY seconded and the Bill was read a second time.

The Council then resolved itself into Committee to consider the Bill clause by clause.

On resuming—

THE ATTORNEY GENERAL reported that the Bill had passed through Committee and moved that it be read a third time.

THE COLONIAL SECRETARY seconded the Bill was read a third time and passed.

#### **The Tramways Ordinance**

THE ATTORNEY GENERAL—As regards the next order—the Committee on the Bill entitled An Ordinance for authorising the construction of a tramway within the Colony of Hongkong—it is not proposed to proceed with it to-day.

HIS EXCELLENCY—Council stands adjourned until this day week.

## FINANCE COMMITTEE.

A meeting of the Finance Committee was then held, the Colonial Secretary presiding. The following vote was passed:—

**Post Office**

The Governor recommended the Council to vote a sum of Eight thousand seven hundred and ten Dollars (8,710) in aid of the vote, Post Office, for the following items:—

<i>Hongkong Post Office, Other Charges.</i>	
Carriage of Mails, Shares of Mail Subsidy .....	\$7,665
Compensation for Damaged Parcels, etc, .....	30
Incidental Expenses .....	450

<i>Postal Agencies in China. Other Charges, Shanghai.</i>	
Rates and Taxes .....	565
Total.....	\$8,710

THE CHAIRMAN—Of this vote \$565 is for taxes on Government property in Shanghai. They appear to be as hard up as we are.

THE COLONIAL TREASURER—I don't think it is quite fair that we should be made to pay the taxes.

THE CHAIRMAN—I don't know about that. Personally I think they are quite right to get all they can, no matter where it comes from.

THE COLONIAL TREASURER—Quite right, but why should we be taxed.

17TH DECEMBER, 1908

**PRESENT:—**

HIS EXCELLENCY THE GOVERNOR, SIR FREDERICK DEALTRY LUGARD, K.C.M.G., C.B., D.S.O.

H. E. MAJOR-GENERAL R. G. BROADWOOD, C.B., A.C.D. (General Officer Commanding).

HON. MR. F. H. MAY, C.M.G. (Colonial Secretary).

HON. MR. W. REES DAVIES, K.C. (Attorney-General).

HON. MR. A. M. THOMSON (Colonial Treasurer).

HON. MR. W. CHATHAM, C.M.G. (Director of Public Works).

HON. MR. E. A. IRVING (Registrar-General).

HON. MR. F. J. BADELEY (Captain Superintendent of Police).

HON. DR. HO KAI, M.B., C.M., C.M.G.

HON. MR. WEI YUK, C.M.G.

HON. MR. H. E. POLLOCK, K.C.

HON. MR. E. A. HEWETT.

HON. MR. H. A. W. SLADE.

HON. MR. W. J. GRESSON.

MR. C. CLEMENTI (Clerk of Councils).

**Minutes**

The minutes of the last meeting were read, and confirmed.

**Financial Minutes**

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table Financial Minute No. 70, and moved that it be referred to the Finance Committee.

THE COLONIAL TREASURER seconded, and the motion was agreed to.

**Financial**

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table the Report of the Finance Committee (No. 20) and moved its adoption.

THE COLONIAL TREASURER seconded, and the motion was agreed to.

**New Bye-laws**

THE COLONIAL SECRETARY—Sir, I beg to move that the bye-laws under Section 16 of the Public Health and Buildings Ordinance, 1903, relating to bakehouses, dairies and the importation and inspection of animals, be approved by this Council.

THE DIRECTOR OF PUBLIC WORKS seconded, and the motion was agreed to.