

26TH FEBRUARY, 1914.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR FRANCIS HENRY MAY, K.C.M.G.

HON. MR. CLAUD SEVERN (Colonial Secretary).

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

HON. MR. J. A. S. BUCKNILL, K.C. (Attorney-General).

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

HON. MR. E. R. HALLIFAX (Secretary for Chinese Affairs).

HON. MR. C. McI. MESSER (Captain Superintendent of Police).

HON. SIR KAI HO KAI, K.T., M.B., C.M.G.

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

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

HON. MR. D. LANDALE.

HON. MR. E. SHELLIM.

MR. A. G. M. FLETCHER (Clerk of Councils).

Minutes

The minutes of the previous meeting were confirmed.

Financial Minutes

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Financial Minutes Nos. 5 to 8, and moved that they be referred to the Finance Committee.

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

Financial

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the report of the Finance Committee No. 2, and moved its adoption.

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

The Royal Square Statues

HON. MR. POLLOCK, pursuant to notice, asked:—What steps does the Government propose to take, and when, for the preservation of the statues in Royal Square from contact with the public?

THE COLONIAL SECRETARY replied—Provision will be made in the estimates for 1915 for putting railings round the statues. The Sanitary Department have been instructed to keep the pedestals in a cleanly condition.

Foreign Marriage Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Foreign Marriage Ordinance, 1903."

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

The objects and reasons attached to the Bill state:—

By the Foreign Marriages Order-in-Council, 1913, promulgated on the 22nd November of that year, certain regulations are prescribed under the provisions of the Foreign Marriage Act, 1892, relating to the marriage of British subjects outside the United Kingdom. This Order-in-Council will be published shortly in the *Gazette* of this Colony.

These regulations are intended to facilitate the performance of the contract of marriage by British subjects outside the United Kingdom and come into force on the 23rd March, 1914, from and after which day certain earlier Orders-in-Council, namely, the Foreign Marriages Order-in-Council, 1892, the Foreign Marriages Order-in-Council, 1895, and the Foreign Marriages Order-in-Council, 1903, are repealed.

These earlier Orders-in-Council and the new Order-in-Council of 1913 require in some small respects local legislation of reciprocal character, and to meet the requirements of the earlier Orders-in-Council the Foreign Marriage Ordinance, 1903, was passed in this Colony.

By clause 11 of the new Order-in-Council, 1913, it is provided *inter alia* that a law enacted by the legislature of any part of His Majesty's Dominions outside the British Islands shall be deemed to give effect to the regulations contained in the Order or to unrepealed or future Orders-in-Council under the Foreign Marriage Act if it makes provision for the execution of certain formalities. These formalities with one exception are already provided for by our Foreign Marriage Ordinance, 1903. This exception is that in the Order-in-Council of 1913 the duration of the period of abode immediately preceding the notice of a marriage intended to be solemnized under the Foreign Marriage Act which must be given by one of the parties intending such marriage is fixed at one week instead of, as formerly, at three weeks.

Section 2 of the local Foreign Marriage Ordinance, 1903, fixes such period at three weeks, which, as stated above, was the period prescribed under the Orders-in-Council repealed by the new Foreign Marriages Order-in-Council, 1913, and this Bill is now introduced in order to make the necessary alteration.

Electricity Supply Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Electricity Supply Ordinance, 1911."

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

The objects and reasons attached to the Bill state:—

By Section 3 of the Electricity Supply Ordinance, 1911, certain regulations for securing the safety of the public which are contained in the Schedule to the Ordinance were declared applicable to any Company supplying electricity within the Colony, but the application of these regulations was by a proviso restricted in a manner which experience has shown to be not altogether satisfactory.

Under the old Ordinance the regulations were not to apply to any electric line or works laid down or erected by any person or body of persons for the supply of electricity generated upon any premises occupied by such person or body to any other part of such premises. Whilst the majority of Electric Installations to which this exempting proviso is applicable is no doubt free from danger it has been found that there do

exist cases in which private installations apparently of faulty character are situated in the centre of or adjacent to other premises to which they constitute a constant danger.

In order to avoid this serious state of affairs, the present Bill has been introduced providing that the regulations for securing the safety of the public contained in the Schedule to the Ordinance shall have effect generally and that any exemption from the provisions of the section must be of specific character subject to the express permission of the Governor-in-Council.

Any installation of self-contained character which does not shadow with danger other premises will under sub-section (3), giving power to the Governor-in-Council to grant exemption from the general provisions of the section, be able to obtain freedom from the application of the regulations in question.

It would seem clear that from a public point of view and for the safety of the public the modification of Section 3 of the Electricity Supply Ordinance, 1911, which is proposed under the present Bill, is a matter of great desirability.

The Cremation Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to provide for the regulation of the burning of human remains and to enable crematoria to be established." In doing so he said—Sir, In moving the second reading of this Bill it is, I think, unnecessary that I should say much. The objects and reasons for the Bill are set out very fully in the printed form which is before members. There is no doubt, Sir, that the practice of cremation is on the increase amongst all sections of the community. Amongst some of the Indian sects, notably the Sikhs, I believe it is, on religious grounds, incumbent upon them to deal with their dead in this fashion. Amongst the Japanese also it is an extremely common practice, while amongst the general members of the community it is also a practice which seems to be growing. At the present time, Sir, I believe that the community of the Sikhs disposes of its dead by burning on a plot of ground at the back of the Sikh Temple. The Japanese also, I believe, have, or are about to have, a small crematorium near their burial ground. Now, Sir, it might be thought that it is unnecessary to provide an Ordinance of this nature, as under the present existing law the Sanitary Board has already certain powers under the Public Health and Buildings Ordinance, 1903.

It is true, Sir, that the Sanitary Board under that Ordinance has certain powers, but the Government came to the conclusion, on considering the provisions of subsection (39) of section 16, that the powers which were there given were not sufficient to cover the arrangements and details for making crematoria, and it was accordingly decided to introduce an Ordinance. I may say, Sir, for the information of members that this Bill is founded on the English Crematorium Act, which like it, is very short, and it necessarily places the details of arrangements under the Bill in the hands of the Burial Authority. With those few words I beg to move the second reading of the Bill.

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

Council then resolved itself into a Committee of the whole Council to consider the Bill clause by clause.

On 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, and the Bill was read a third time and passed.

Chinese Emigration Ordinance

THE ATTORNEY-GENERAL — With regard to the next item on the agenda, Sir, the Bill entitled, "An Ordinance to amend and consolidate the Law relating to Chinese Passenger Ships," owing to the introduction of certain amendments of some importance it has been decided not to proceed with this Bill to-day, but to let it stand over temporarily.

The Dentistry Ordinance

THE ATTORNEY-GENERAL — With regard to the Dentistry Bill, Sir, it has also been decided, owing to the introduction of important amendments, that this should also not be proceeded with to-day.

Retirement of Sir Kai Ho Kai

HIS EXCELLENCY—Gentlemen,—It is with much regret that I have to announce to you that owing to indifferent health the senior unofficial member, whose fourth term of appointment as a member of this Council expires on the 28th inst., has been compelled to intimate to me that he would not be prepared to accept an

invitation to continue his services upon the Council. Sir Kai Ho Kai was originally appointed to this Council on the 1st of March, 1890, and has served continuously since that date. He is therefore about to complete a period of 24 years' service, which is the longest term for which any other member, except the late Mr. Phineas Ryrie, who served for 24½ years, has occupied a seat on this Council. During that exceptionally long period Sir Kai Ho Kai has rendered extremely efficient service not only as a representative of the Chinese community, but as an independent member of the Council. Gifted with a thorough knowledge of the feelings of his fellow countrymen, with a clear intellect, sound judgment and fluent command of the English language, he has always been of the greatest assistance in the deliberations and debates held in this Chamber. Moreover, he has earned our admiration for the ungrudging manner in which, both inside and outside this Council, he has devoted his intellect and his energies to the advancement of the best interests of the Chinese community and for the good of the Colony as a whole. (Applause.) The 24 years during which he has served have been busy ones. During them the population and the trade of the Colony have increased enormously; its boundaries have been enlarged, pestilence has necessitated stringent legislation to preserve the public health, unrest and disturbances in China have rendered necessary strong measures for the preservation of the public peace, and education has claimed special attention. Sir Kai Ho Kai's services in dealing with the various measures rendered necessary by these circumstances have been twice rewarded by His Majesty's Government, and it remains for us to record our appreciation of his services and our thanks for his assistance. (Applause.) For myself, having been associated with Sir Kai almost continuously on this Council since 1895, I regret very much that he is now about to sever his connection with it, but I look forward to continuing in the enjoyment of that assistance and co-operation which he has rendered in the past in matters in which the Government may consult him. I would now ask the Council to adopt the following resolution:—
"This Council desires to record its heartfelt thanks to Sir Kai Ho Kai for the assistance which he has at all times ungrudgingly rendered in the work of

the Council, and its deep appreciation of the valuable services rendered by him to the Colony throughout the twenty-four years of his service as a member of the Legislature." (Great applause.)

HON. MR. POLLOCK—Sir, I beg leave to second the resolution which has just been read, and to heartily endorse your Excellency's remarks with regard to the valuable services which have been rendered by Sir Kai Ho Kai during the past 24 years both within and outside of the walls of this Chamber. As an unofficial member, I shall very much miss the benefit of his counsel and co-operation, and I very much hope that he may be able, for many years to come, to continue to devote his talents to those numerous other fields of public duty and activity which will still lie open to him. (Applause.)

HON. SIR KAI HO' KAI—May it please your Excellency.—In proposing the resolution just now you said I am gifted with fluency of speech. I wish very much, and I should be very much obliged to your Excellency if you could assist me in any way to lay hold of that gift now; for I cannot possibly find words and expressions sufficiently adequate to convey to your Excellency and the seconder, my hon. friend Mr. Pollock, my heartfelt thanks for the very handsome and complimentary manner in which you proposed the resolution and in which he seconded it. Also to my colleagues on this Council, both official and unofficial alike, for the cordial way and kind manner in which they have received that resolution. I feel, Sir, your extreme kindness all the more keenly because I feel that I do not deserve half of the words you have said of me—for one thing, because I am fully conscious of my many shortcomings and imperfections during the long period I have had the honour of serving on this Council. There is one thing, and one only, that I can claim for myself, and that is, that I have always during the past tried to do my best in the discharge of my public duties, and in no instance have I permitted my personal inclination or self-interest to interfere in the discharge of my public duties both inside and outside this Council. (Applause.) Now, Sir, I am sure in the present circumstances, when my heart is full and emotion is strong, you will excuse me from saying anything more except that I do thank you, Sir, and all hon. members of this Council, for your

kindness to me during the past, and for the special kindness you have shown to me at the present moment. I wish simply to bid you, Sir, and all my honourable colleagues, a formal farewell, and to assure them, Sir, that in the future, as far as my failing health will permit, I shall, to the best of my ability, ever be ready to co-operate with your Excellency and the members of this Council in promoting any measure for the good of this Colony. (Applause.)

The resolution on being put was carried unanimously.

The Opium Farm

HIS EXCELLENCY—I propose to adjourn the Council until Monday, there being other important business to transact in view of the taking over of the Opium Farm by the Government, and we will now proceed to the consideration of the Jury List in private.

Jurors' List

The Jurors' List was then considered *in camera*.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held, the COLONIAL SECRETARY presiding. The following votes were passed:—

West End Playground

The Governor recommended the Council to vote a sum of \$200 in aid of the vote Public Works, Extraordinary, Hongkong, Miscellaneous, Levelling portion of West End Park to form playground.

Cheung Chau Police Station

The Governor recommended the Council to vote a sum of \$2,990 in aid of the vote Public Works, Extraordinary, New Territories, Building, Police Station, Cheung Chau.

Village Improvement

The Governor recommended the Council to vote a sum of \$10,400 in aid of the vote Public Works, Extraordinary, New Territories, Miscellaneous, Improvement of Ap Liu Village.

Secretariat for Chinese Affairs

The Governor recommended the Council to vote a sum of \$500 in aid of the vote Secretariat for Chinese Affairs, Special Expenditure, Books and Bookcases.