

6TH AUGUST, 1914.

**PRESENT:—**

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

HIS EXCELLENCY MAJOR-GENERAL F. H. KELLY, C.B. (General Officer Commanding Troops).

HON. MR. CLAUD SEVERN (Colonial Secretary).

HON. MR. J. H. KEMP (Attorney-General).

HON. MR. E. D. C. WOLFE (Colonial Treasurer).

HON. MR. A. F. CHURCHILL (Director of Public Works).

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

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

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

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

HON. MR. D. LANDALE.

HON. MR. LAU CHU PAK.

MR. M. J. BREEN (Clerk of Councils).

**Minutes**

The minutes of the previous meeting were confirmed.

**Papers**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the following papers:—Report on the Blue Book for 1913; Report of the Proceedings of the Public Works Committee at a meeting held on the 25th June, 1914; Report on the progress of the Kowloon Railway Station up to June 30th, 1914; Report on the typhoon refuge to June 30th, 1914, with diagram showing present condition of the breakwater.

**Financial Minutes**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Financial Minutes 37 to 40, and moved that they be referred to the Finance Committee.

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

**Military Stores (Exportation) Amendment Ordinance**

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Military Stores (Exportation) Ordinance, 1862."

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

THE ATTORNEY-GENERAL moved the suspension of the Standing Orders in order that this Bill might be passed through its remaining stages at this meeting.

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

THE ATTORNEY-GENERAL—I beg, Sir, to move the second reading of this Bill. The object of this Bill is to introduce into the Colony the provisions of the English Exportation of Arms Act, 1900, to enable you, Sir, in case of necessity, to issue the proclamation referred to in that Act, and in this Bill. The proclamation is one prohibiting the export of military stores to any particular place. The power at present over military stores is only a general power, but this is a power dealing with exportation to a particular country or place.

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

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 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.

The Objects and Reasons attached to the Bill state that the main object of this Bill is to introduce here the provisions of the Exportation of Arms Act, 1900, which gives power to prohibit the exportation of military and naval stores and of articles capable of being converted into military or naval stores, to any given country or place, in order to prevent such articles being used against His Majesty's forces or any forces acting in co-operation with His Majesty's forces.

The opportunity has been taken to restore section 2 of the Principal Ordinance to the form in which it existed up to last year, as that form seems to be more suitable for the purposes of the proclamation which the section contemplates.

#### The Deportation Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Deportation Ordinance, 1912 and 1913."

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

The Objects and Reasons attached to the Bill are as follows:—

The object of this Bill is threefold. In the first place it has been pointed out that the provisions of section 4 of the Deportation Ordinance, 1913, might possibly be construed to apply to British subjects. As this was not the intention contemplated by the section, the present Bill lays down with precision the cases in which the provisions of the section do not apply.

It will be observed that the Bill provides that the provisions of section 4 of the Deportation Ordinance, 1913, shall not apply to those classes of persons for which under the provisions of sections 3, 5, 9 and 11 the Deportation Ordinances of 1911 and 1913 specifically provide. The Bill specifically prescribes that, subject to these exceptions and to the further exception mentioned later, the provisions of section 4 of the Ordinance shall not be applicable to persons who in the opinion of the Governor-in-Council are natural-born or naturalized subjects of His Majesty.

The second object of the Bill is to add to the powers of deportation which already exist under the local law the additional power to deport a class of persons with which it has not been hitherto possible to deal in any way under the present enactments. This class consists of persons who although born in the Colony are not of British parentage on either side, a limitation being added that these new provisions shall not apply to any person who has obtained a certificate of his British birth or who is registered in a British Consulate in China as a person entitled to British protection in that country; it is also prescribed that all the formalities of section 4 of the Deportation Ordinance, 1913, shall in any such case be complied with and that any deportation order issued under the new powers must be immediately reported to the Secretary of State.

The third object of the Bill is to remove a doubt which at present exists as to whether a magistrate has any power to deal summarily with a case of disobedience of a deportation order, or of disobedience of an order of banishment, unless the defendant pleads guilty. It seems very desirable that the magistrate should have this power.

#### The Widows' and Orphans' Pension (Amendment) Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Widows' and Orphans' Pension Ordinance, 1908."

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

The Objects and Reasons attached to the Bill state that the object of this Bill is to provide that the class of contributors to the Widows' and Orphans' Pension Fund shall be extended so as to include all married members of the police force below the rank of sergeant whose marriages have received, or may hereafter receive, either the previous or the subsequent approval of the Captain Superintendent of Police. Under the present law only those members of the police force who are of the rank of sergeant or of higher rank are included in the class of contributors. All the existing members of the police force to whom this Ordinance will apply wish to join the Fund.

### Precautions Against Piracy

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the laws relating to the observance of precautions against piracy."

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

HIS EXCELLENCY—Have hon. members any objection to our proceeding with this Bill? It was on the Orders of the Day at the last meeting of the Council.

HON. MR. LANDALE—I think the Chamber of Commerce have this Bill under consideration.

HIS EXCELLENCY—When will the Committee of the Chamber of Commerce be ready? The Bill is rather an urgent one, especially now when all patrols have been withdrawn.

HON. MR. LANDALE—I will have the matter represented to the Chamber of Commerce, and they will take it up at once.

The Objects and Reasons attached to the Bill state:—

The Launch and River Trade Steamer (Protection against Piracy) Ordinance, 1900, as amended by the Steam Launch and River Trade Steamer (Protection against Piracy) Ordinance, 1913, provides for the giving of security by the owners, agents, charterers or licencees of launches and river trade steamers for the observance of reasonable precautions against the commissions of piracy or robbery on or in respect of such launches or river trade steamers, their cargo or their passengers, and it gives power to a Magistrate in certain cases to order the security given to be estreated. It has, however, been found to be defective in several respects.

In the first place it does not apply to all ships which are exposed to piratical attacks but only to launches and river trade steamers as therein defined.

In the second place the power of the Magistrate to order the security to be estreated can be exercised only when a piracy or robbery has actually been committed, though it is obviously desirable that it should not be necessary to wait for the actual commission of a piracy or robbery

before taking proceedings against a person who has failed to observe the precautions against piracy which he undertook by his bond to carry out.

In the third place it fails to provide for the giving of any notice to the owners, agents, charterers or licencees of any proceeding with a view to the estreating of the security given, or for the furnishing to such owners, agents, charterers or licencees of any opportunity of showing cause against such order.

The present Bill accordingly provides that a bond shall be required in the case of any launch or ship as therein defined which is about to proceed on a voyage to Amoy, Macao, Kwong Chau Wan, Hoihow or Haiphong, or to any place in the two Kwongs; that the power of a Magistrate to order the forfeiture of the sum secured by the bond shall not be limited to cases where a piracy has actually occurred but shall be exercisable whenever a breach has occurred of the condition of bond; and that the persons by whom the bond shall have been entered into shall have an opportunity of showing cause before any order of forfeiture is made.

It also provides that if any launch or ship in respect of which no bond has been given proceeds on any voyage which can lawfully be made only if a bond has been entered into the master and owners shall be deemed to be guilty of a misdemeanour, and it gives the Harbour Master power to refuse a clearance to any launch or ship which he has reasonable grounds to anticipate is about to proceed on any such voyage without a bond.

The regulations to be made under the Ordinance will, like those now in force, require guards to be carried, but these guards will in future be engaged and trained and paid by the Police Department, and will be appointed to the various launches and ships as required. The Bill accordingly provides that the owners of the launches and ships required to carry guards shall be liable to pay to the Government in respect of each guard carried such sum per month as may be fixed by the regulations.

The Bill also legalises the searches necessary for carrying out the contemplated precautions against piracy.

It also makes it a misdemeanour to give any order, or make any threat, or hold out any inducement, or exert any pressure, or offer any advice, which might have the effect of influencing any person to fail to observe any of the provisions of the Ordinance or of any regulations made thereunder.

The Bill does not apply to any vessel not exceeding 60 tons which is being used for pleasure purposes only, and the Governor-in-Council is given power to exempt any vessel or class of vessel from its provisions.

The bond is one to be entered into by the owners, agents, charterers or licencees, and is conditioned for the observance of all regulations for the time being in force under the Ordinance. The form of bond is given in a Schedule to the Bill.

A "ship" is any vessel over 60 tons in the propulsion of which any use is made of any mechanical means other than oars and sails, and a "launch" is any such vessel not exceeding 60 tons.

The Bill contains a clause suspending the operation of the Ordinance until the signification of His Majesty's pleasure thereupon, and providing that if approved it shall not come into operation until a date to be fixed by proclamation by the Governor.

#### Bills of Sale Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to exempt certain securities on imported goods from the operation of the Bills of Sale Ordinance, 1886."

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

The Objects and Reasons attached to the Bill state:—

The object of the Bill is to introduce into this Colony the provisions of the Bills of Sale Act, 1890, as amended by the Bills of Sale Act, 1891. The Hongkong Bills of Sale Ordinance, 1886, was modelled closely on the English statutes existing at the time of its introduction, and it seems desirable to incorporate in it the changes subsequently made in the law in England by the above Acts.

HIS EXCELLENCY—Council stands adjourned until this day fortnight.

#### FINANCE COMMITTEE.

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

#### Water Works

The Governor recommended the Council to vote a sum of twenty-five thousand five hundred dollars (\$25,500) in aid of the vote Public Works, Extraordinary, Hongkong, Water Works, Bonham Road, Pumping Station.

#### Harbour Master's Department

The Governor recommended the Council to vote a sum of one thousand six hundred and forty-five dollars (\$1,645) in aid of the following votes, viz:—

#### Harbour Master's Department.

#### Harbour Department

(A.)—Harbour Office, Other Charges:—	
2 Boats .....	\$ 180
Examination Fees .....	600
(B.)—Mercantile Marine Office, Other Charges:—	
Incidental Expenses .....	20
(F.)—Lighthouses, Other Charges:—	
Gap Rock Lighthouse—Coal, Paraffin, Stores, etc. ....	500
Waglan Island Lighthouse—Coal, Paraffin, Stores, etc. ....	300
Blackhead's Hill Lighthouse—Incidental Expenses .....	45
	<b>\$1,645</b>

#### Subordinate Officers' Quarters

The Governor recommended the Council to vote a sum of fifteen thousand two hundred dollars (\$15,200) in aid of the vote Public Works, Extraordinary, Kowloon, Quarters for Subordinate Officers.

#### War Department Expenditure

The Governor recommended the Council to vote a sum of fifty thousand dollars (\$50,000) on account of War Department Expenditure, in order to provide for all expenditure incurred by the Civil Departments of Government whether such expenditure is ultimately to be recovered from the Imperial Government or not.