

HONGKONG LEGISLATIVE COUNCIL.

13TH JANUARY, 1921.

PRESENT:

HIS EXCELLENCY THE GOVERNOR, SIR REGINALD EDWARD STUBBS, K.C.M.G.

H.E. MAJOR-GENERAL SIR GEORGE MACAULAY KIRKPATRICK, K.C.B., K.C.S.I. (General Officer Commanding the Troops in China).

HON. MR. CLAUD SEVERN, C.M.G. (Colonial Secretary).

HON. MR. J. H. KEMP, K.C., C.B.E. (Attorney-General).

HON. MR. C. McI. MESSER, O.B.E. (Colonial Treasurer).

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

HON. MR. S. B. C. ROSS (Secretary for Chinese Affairs).

HON. MR. E. A. IRVING (Director of Education).

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

HON. MR. P. HOBSON HOLYOAK.

HON. MR. LAU CHU PAK.

HON. MR. HO FOOK.

HON. MR. JOHN JOHNSTONE.

HON. MR. E. V. D. PARR.

MR. S. B. B. McELDERRY (Clerk of Councils).

An Investiture

Prior to the commencement of the business of the Council, H.E. the Governor said he had the pleasant duty to perform of investing Major Christopher Willson, 1st Clerk Magistracy, with the Military Order of Officer of the British Empire, which, His Excellency said, had been awarded to him for good services during the war.

Members of the Council remained standing in their places during the investiture.

New Members

H.E. MAJOR-GENERAL SIR G. M. KIRKPATRICK and MR. S. B. C. ROSS took the customary oath of allegiance as members of the Council and signed the register.

Minutes

The Minutes of the proceedings of the Council held on December 23rd, 1920, were confirmed and signed as correct.

Standing Committees

HIS EXCELLENCY—This being the first meeting of the Council in the New Year it is necessary, in accordance with practice, to appoint the standing committees of the Council. The Finance Committee and the Public Works Committee are already provided for by the Standing Orders and there is only the standing Law Committee to appoint.

The Committees are constituted as follows:—

Finance Committee:—The Honourable the Colonial Secretary (Chairman), the Honourable the Colonial Treasurer, the Director of Public Works, the Hon. Mr. H. E. Pollock, K.C., the Hon. Mr. Lau Chu-pak, the Hon. Mr. P. H. Holyoak, the Hon. Mr. Ho Fook, the Hon. Mr. J. Johnstone, the Hon. Mr. E. V. D. Parr.

Public Works Committee:—The Honourable the Director of Public Works (Chairman), the Honourable the Colonial Treasurer, the Hon. Mr. H. E. Pollock, K.C., the Hon. Mr. Lau Chu-pak, the Hon. Mr. P. H. Holyoak, the Hon. Mr. Ho Fook, the Hon. Mr. J. Johnstone, the Hon. Mr. E. V. D. Parr.

Standing Law Committee:—The Honourable the Attorney-General (Chairman), the Honourable the Colonial Treasurer, the Hon. Mr. H. E. Pollock, K.C., the Hon. Mr. Lau Chu-pak, the Hon. Mr. P. H. Holyoak.

Public Facilities for Sea-Bathing

HON. MR. H. E. POLLOCK, K.C. asked: Will the Government appoint a Committee consisting of the Colonial Secretary and one Chinese and one British Unofficial Member of this Council for the

purpose of inquiring into and reporting to this Council on :—

- (1.)—The feasibility of providing adequate Public facilities for sea-bathing for the residents of
 - (a)—The Island of Hongkong; and
 - (b)—Kowloon; and
- (2.)—The question of supplying cheap and easy means of transport to the Public in connection with such sea-bathing.

THE COLONIAL SECRETARY replied—
Certainly.

Holt's Wharf Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to authorise the making of by-law in respect of Holt's Wharf.

The "Objects and Reasons" attached to the Bill state :—

1.—The object of this Bill is to give the Governor in Council power to make by law for the maintenance of order and safety in the conduct of the business carried on at Holt's Wharf.

2.—The general law is not quite suitable for this purpose, and this was recognised in the case of the Hongkong and Kowloon Wharf and Godown Co., Ltd., who were granted a special Ordinance for a similar purpose in 1908.

3.—The power of making by-laws has been given in this case to the Governor in Council because the management of Holt's Wharf is not in the hands of a legal entity, such as a company.

4.—Clause 5 is formal.

5.—A draft of the proposed by-laws is published with the Bill.

THE ATTORNEY-GENERAL said—The object of the Bill is to give the Governor in Council power to make by-laws for the maintenance of order and safety in the conduct of the business carried on at Holt's Wharf. The Managers of the Wharf desire that these powers should be given, and I think they are also desirable in the general public interest. Business of this kind—wharf and godown business—requires a peculiar kind and degree of control over the public frequenting the premises and using them, and the general law does not provide sufficient control at present. For example, it is no offence to trespass on private premises, and it is no offence to smoke

in a godown. The Hongkong and Kowloon Wharf and Godown Company, Ltd., obtained a special ordinance for a similar purpose in the year 1908. The reason why the power of making by-laws is not given in the present case to the owners of the wharf is that they are not a corporation or a legal entity. To avoid technical difficulties, it was considered better to give the power of making by-laws to the Governor in Council. The draft of the proposed by-laws, which are based on those of the Hongkong and Kowloon Wharf and Godown Company, has been circulated with the Bill. I beg, sir, to move the first reading.

THE COLONIAL SECRETARY—I beg to second it.

The first reading was agreed to.

The University Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to amend the University Ordinance 1911.

THE COLONIAL SECRETARY—I beg to second it.

The second reading was agreed to.

THE ATTORNEY-GENERAL—I beg to move: That the Council do now go into Committee to consider the Bill clause by clause.

The Council went into Committee.

On Clause 23,

HON. MR. H. E. POLLOCK said—Sir, with regard to Clause 23, this is a somewhat special clause, and I understand from the "objects and reasons" that the Governor feels bound to retain this general power of supervision for a limited period, but I would point out that on the words of the clause apparently the Governor in Council may reverse any decision of the Court, Council, Senate, or of the Finance Committee without any reference to those bodies and without their being subsequently informed. As drafted, it seems to me to go rather far.

H.E. THE GOVERNOR—I think the Governor in Council may be trusted not to do these things, but the difficulty is one of drafting. It seems difficult to include words to the effect that it shall be the duty of the Governor in Council to inform the bodies concerned of his action. It is a technical point, is it not, Mr. Pollock? It is a purely temporary clause, and I trust

will not be acted upon at all, and not exist for more than a year or two.

HON. MR. POLLOCK—I think it should lay down that the bodies affected shall have some notice of what is intended. My objection is this: that the Governor in Council quite properly sits in secret, and debates in secret, and unless the bodies affected have some opportunity of saying something on the matter the whole thing is done in a very secret fashion and, possibly, without sufficient argument and debate.

H.E. THE GOVERNOR—How do you propose to meet the position?

HON. MR. POLLOCK—It would be easy enough to put in words to provide that representative—appointed representatives I suppose it would have to be—of the Courts, Council, Senate or Finance Committee should be invited to attend before the Executive Council. They would thus be able to state the reasons for their decisions. It is rather a drastic power for the Governor in Council to be able to reverse a decision arrived at by the previous body, without the necessity of hearing the representatives of that body. Possibly if they were heard the Governor in Council might come to a different decision.

H.E. THE GOVERNOR—Of course, the Court, Council, Senate and Finance Committee all contain representatives who are included in the Executive Council, so there is no chance of your point being entirely lost sight of.

HON. MR. POLLOCK—That is so, sir, but it might so happen that those representatives might not have been present at the particular meeting at which a particular decision was arrived at.

H.E. THE GOVERNOR—Of course, anything may happen, but do you seriously think it is worth while altering the clause? I can assure you that as long as I am here, I shall not reverse a decision without consulting the body concerned and I am sure Mr. Severn, acting in my place, would act in exactly the same way.

HON. MR. POLLOCK said that on that assurance he would accept the clause.

The meeting of the Council was then resumed, and the Attorney-General reported that the Bill had passed through Committee without amendment.

THE ATTORNEY-GENERAL then moved the third reading of the Bill.

THE COLONIAL SECRETARY seconded and it was agreed to.

H.E. THE GOVERNOR—The Bill passes accordingly.

The Volunteer Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to amend the Volunteer Ordinance 1920.

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

THE ATTORNEY-GENERAL—I beg to move that the Council do now go into Committee to consider the Bill clause by clause.

The Council went into Committee accordingly.

On Clause 4,

THE ATTORNEY-GENERAL said—Sir, I beg to move the insertion of the word "constitution" after the word "the" in the fifth line of the new sub-section, so that it will read: "The General Officer Commanding the Troops may, with the approval of the Governor, after consultation with the Administrative Commandant, make regulations respecting the constitution, general government, discipline and training of any volunteer corps, etc." This is proposed in order to make it quite clear that the power to make regulations includes the power to alter the constitution of the corps.

THE COLONIAL SECRETARY—Is not this included under "general government"?

THE ATTORNEY-GENERAL—I think it is, but the word occurred in a former Ordinance and it is proposed to be inserted now to make it quite clear that the omission in this Ordinance is not done intentionally.

HON. MR. POLLOCK—What is the word intended to cover,—the formation of units of the force?

H.E. THE GENERAL—I think it will be advisable to put in the word because as Hong-kong Volunteers develop, new organisations

may be wanted, new component parts, and it will give the authorities the power to establish them without any question.

H.E. THE GOVERNOR—The power of establishing new bodies already exists. However, I see no possible objection to the insertion of the word.

Clause 4 as amended was then put and agreed to.

H.E. THE GOVERNOR—Clause 4 as amended by the insertion of the word "constitution" stands part of the Bill.

On Clause 9,

HON. MR. POLLOCK said—Sir, in regard to clause 9 and also clause 10, I should like to ask why it is thought desirable to withdraw the power afforded by the 1920 Ordinance to members of the Company of choosing their officers.

H.E. THE GOVERNOR—The change has been made on the advice of the War Office: perhaps the General Officer Commanding will explain.

H.E. THE GENERAL—The principle of the election of officers has been tried on many occasions. Only recently, during the last three or four years, it has been tried in the Russian revolutionary armies and has again broken down. It has invariably broken down. It is open to manifest objections with regard to the maintenance of discipline and therefore to the establishment of an efficient body capable of taking the field in the best possible manner. The Army, and any part thereof, or any volunteer organisation, or whatever it might be called, is a business to manage. The reasons against the election of officers in a military body apply with exactly the same force as they would against the election of managers and officers in the management of commercial undertakings.

On the Council resuming it was reported that the Bill had passed through committee with but one amendment in section 4.

THE ATTORNEY-GENERAL moved the third reading of the Bill.

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

The Adjournment

H.E. THE GOVERNOR—As the only Bill that has been read a first time is that relating to Holt's Wharf and there is no immediacy about it, I propose to adjourn the Council *sine die*, which will not be a very distant period in this case.

Tribute to the Retiring Director of Public Works

H.E. THE GOVERNOR—I must, therefore take this opportunity of saying farewell to the Director of Public Works, who, I expect, will have left us before the Council meets again. The Hon. Mr. Holyoak, on a previous occasion, prematurely expressed the opinion and wishes of the unofficial members of the Council. I can only associate myself with the views that he so eloquently expressed, and wish Mr. Chatham the best of health and prosperity in his retirement. In saying so, I feel that I speak for all of you.—(Applause.)

HON. MR. CHATHAM—I thank Your Excellency and the Council.

THE COLONIAL SECRETARY said—I had no idea that His Excellency was going to speak on this subject, so I am hardly prepared, but I feel that, having been associated very closely with Mr. Chatham as Director of Public Works, both as Colonial Secretary and as the Officer Administering the Government for a period of nearly nine years, I can testify, most sincerely, to the wonderful public service he has rendered in Hong-kong in that position, and to the loss he will be to the Colony. His detailed knowledge of everything that has taken place over the long period he has been in this Colony and the value of his advice and judgment in all matters connected with public works cannot be overstated. I have had on several occasions to rise in this Council and defend Mr. Chatham's administration from charges which have been made on incorrect or insufficient information and I am glad to have this opportunity to testify to the extraordinary value of his services as a public servant.—(Applause.)