

17TH FEBRUARY, 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. T. L. PERKINS (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. LAU CHU PAK.

HON. MR. P. H. HOLYOAK.

HON. MR. HO FOOK.

HON. MR. JOHN JOHNSTONE.

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

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

New Member

MR. T. L. PERKINS, on appointment as Director of Public Works, took the oath and his seat as a member of the Legislative Council.

Minutes

The minutes of the last meeting of the Council were approved and signed.

Finance

THE COLONIAL SECRETARY, by command of H. E. the Governor, laid on the table Financial Minutes Nos. 1 to 7, and moved that they be referred to the Finance Committee.

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

The Jurors List for 1921

THE COLONIAL SECRETARY, by command of H. E. the Governor, laid on the table the Jurors' List for 1921.

The Council considered the list *in camera*.

Notice of Questions

HON. MR. P. H. HOLYOAK gave notice of his intention to ask the following questions:—

- (1.)—Will the Government state when they hope to open the separate Maternity Ward of the Barker Road Hospital?
- (2.)—Have the recommendations of the Coroner's jury on the "Tai O" tragedy been carried out as regards two European Policemen being stationed at out stations?
- (3.)—Will the Government, in view of the recent tragedy at West Point, wherein several persons lost their lives and many were injured, take steps at once to prohibit the sale of all so-called "Bombs" in this Colony, and further to enforce existing legislation against the throwing of crackers, stones or other missiles from verandahs of houses and buildings into the roadway?
- (4.)—In view of the general and considerable increase in motor traffic in this Colony, and the probability that it will still further increase ere long, will the Government appoint a small Committee to enquire into and revise traffic conditions and regulations?
- (5.)—In view of the fact that the Chamber of Commerce has recently received many complaints concerning the efficiency of the Fire Brigade service, more particularly afloat, and that there is a general feeling that it is not properly equipped for

dealing with a serious harbour conflagration, will the Government at once appoint a Commission or Committee of enquiry into the gear and administration of the Fire Brigade?

HIS EXCELLENCY—I may say at once, that Mr. Wolfe (Captain Superintendent of the Police and Fire Brigade) will be returning to the Colony very shortly. I understood from him that he intended to study Fire Brigade matters while at Home and it is my intention to go thoroughly into the matter with him on his return.

HON. MR. HOLYOAK—With that assurance, sir, I am prepared to withdraw question No. 5.

Questions Answered

HON. MR. H. E. POLLOCK, K.C. asked a series of questions of which notice had been previously given. The questions and the replies of the Government thereto are appended:—

THE MILITARY PARADE GROUND.

Q.—In view of the pressing need of room for further office accommodation in this Colony, will the Government approach the Military authorities with a view to the Murray Parade ground being handed over to the Government at an early date?

A.—The Government is in correspondence with the Military authorities on the subject.

LOANS FOR BUILDING HOUSES

Q.—For the convenience of those who desire to build houses for their own occupation, will the Government state the terms and conditions upon which it is prepared to grant loans for the building of such houses?

A.—The Government regrets that it does not feel able in present circumstances to increase the already large amount locked up in advances for building houses.

Q.—Will the Government give a list of the various houses and flats which are being built with loans advanced by the Government and the dates of such res-

pective loans and the estimated respective dates of completion of such houses and flats?

A.—The list is as follows:—

Lot No.	Locality.	No. of houses or flats.	Date of completion.	Borrowers.	Amount agreed to be lent.	Amount already lent.	Date of 1st advance
1. I.L. 2139	May Rd.	6 flats	30-10-21	Humphreys Estate Co., Ltd.	\$500,000	\$200,000	2-9-20
2. K.I.L. 574	do. Hart Avenue	12 "	15-3-22	Procurement Spanish Missions Kayamally & Co.	80,000	80,000	14-9-20
3. K.I.L. 417	do.	18 "	30-6-21				
4. N.K.I.L. 102	Nathan Rd	12 "	15-2-21				
5. K.I.L. 615	Sham-shuipo (Kimberley Rd.)	15 "	31-3-21	Li Ping	50,000	50,000	31-7-20
6. Taipo I.L. 8	Taipo	32 houses	1-6-21	H.M.H. Nemazee	100,000	84,000	18-9-20
7. I.L. 76	St. Paul's College	12 flats	1-1-22	R. Baker	120,000	30,000	1-2-21
8. I.L. 59 and 579	Near St. Joseph's College	1 house	completed	Archbishop of Canterbury Vicar Apostolic	6,000	6,000	31-12-20
		Hostel	do.		50,000	50,000	14-7-20
		Not known yet	Not known yet		75,000	nothing	

Notes.—With the exception of items 7 and 8 these loans are being advanced in instalments as the buildings progress. I have given dates of advancing first instalments. Items 2 and 3 have had all their advances. The dates given for completion of the buildings are the dates agreed upon in

the mortgages. They allow a few weeks' grace beyond contract dates to cover unforeseen delays.

The houses in Hart Avenue are not covered by Government loans and only 12 flats in Kimberley Road and 32 houses at Shamshuipo are so covered.

A MENTAL WARD IN THE PROPOSED KOWLOON HOSPITAL

Q.—Will the Government consider the advisability of a mental ward for the care of the insane being established in connection with the proposed new hospital at Kowloon, so that those who are mentally afflicted may not be confined in the cramped and depressing quarters which are comprised in the present Lunatic Asylum?

A.—It is not desirable to have a mental ward in a hospital. Any extension of the existing arrangements for the temporary detention in the Colony of insane persons, while awaiting transport elsewhere, would involve the establishment of a separate Asylum.

THE ECONOMIC RESOURCES COMMISSION

Q.—What progress is being made by the Economic Resources Commission and how soon may some report from that Commission be expected?

A.—The Committee held its final meeting on February 14th. A number of reports by various sub-Committees endorsed by the Committee will be issued very shortly.

THE WATER CLOSET SYSTEM

Q.—Will the Government appoint a small Committee of experts for the purpose of considering the feasibility of extending the system of water closets in this Colony by the pumping up of sea-water from the Harbour and by the provision of a kind of pipe which will not be corroded by sea-water?

A.—The Government is prepared to appoint a Committee.

THE PROTECTION OF CHILDREN

Q.—Will the Government introduce a Bill to amend section 26A of the offences against the Person Ordinance, 1865, (which was introduced by Ordinance 9 of 1913) by inserting the words "medical aid" after "clothing" in the clause defining neglect of children and young persons, in order to bring the law of the Colony in this particular respect into line with the law of England, *i.e.*, s.12 (1) of the Children's Act, 1908?

A.—The question of retaining the words "medical aid" in the English Act or a variation of those words to suit local conditions was carefully considered when Ordinance 9 of 1913 was being drafted, and it was decided to omit them. There has been no change in the circumstances which caused the Government to arrive at that decision and it is not, therefore, considered desirable to amend the section in the manner proposed.

THE ADMIRALTY AND THE INCOME TAX

Q.—In view of the fact that, in 1917 and 1918, many months of repeated representations by the Government and the Naval and Military authorities and the Hongkong General Chamber of Commerce and the China Association were required in order to obtain exchange compensation for the Officers and Men of the Services, will the Government now co-operate with the local Naval authorities in protesting against the recent proposal of the Home authorities to impose income tax upon the exchange compensation granted to those who are serving under the Admiralty on this station?

A.—The matter is not one in which the Government of Hongkong can intervene.

HON. MR. H. E. POLLOCK—With regard to the answer to Question 4, I should like to state that I did not intend to imply that there should be a mental ward inside the hospital, but a mental ward in connection with the hospital. With regard to the answer to Question No. 5, I would like to know whether the word "issue" implies publishing?

HIS EXCELLENCY—That was the intention.

Light Dues—Proposed Continuation of the Present Tax

THE COLONIAL SECRETARY moved the following resolution :—

Whereas it is expected that the total revenue derived from Light Dues (Special Assessment) since the introduction of the rates at present in force will exceed in the current year the sum of \$1,104,293, being half the cost of the typhoon refuge at Mongkoktsui :

And whereas an undertaking was given that this special assessment would not be continued after the above mentioned sum had been raised unless a new resolution should first be proposed to the Legislative Council :

And whereas, in view of the financial requirements of the Colony, it is expedient to continue the collection of light dues at the present rates :

It is hereby resolved by this Council that light dues shall continue to be collected at the rates laid down in Table P of the Schedule to the Merchant Shipping Ordinance, No. 10 of 1899.

THE COLONIAL SECRETARY—With regard to the resolution which stands in my name —

HIS EXCELLENCY—Does the Council object to the resolution as it is on the agenda being taken as read ?

The Council signified its assent.

THE COLONIAL SECRETARY—When Sir Frederick Lugard submitted the original resolution for the acceptance of the Council on August 6th, 1908, he reminded the Council that in December, 1896 the unofficial members of the Council, with one exception, proposed that the light dues should be permanently increased to 2½ cents per ton. Again in 1902 when a Committee was appointed to investigate possible sources of revenue it was proposed that 2½ cents per ton should be levied on shipping. This figure was proposed by the Government in 1908, in connection

with the construction of the typhoon refuge at Mongkoktsui, but in deference to the views expressed by the shipping interests, the dues were reduced to two cents. The shipping interests at that time said they viewed the proposal to raise the light dues with grave apprehension and drew, in the words of the Governor, "a very doleful picture of the ruin and disaster that was going to overtake the Colony in consequence of the extra cent on light dues." The increase in the light dues, however, has not been felt. It has had no effect on the volume of shipping using this port. There has been no protest of any kind since their imposition. I would like to remind honourable members that the necessity for additional revenue is as urgent now as it was in 1908, and also that the Government has incurred, and is going to incur, considerable expenditure on account of shipping and, in the interest of shipping,—both in regard to the institution of diaphone apparatus at Waglan Light, and the provision of directional wireless apparatus at Cape D'Aguilar, and there will also possibly be very large expenditure on the harbour development which is now under consideration by Sir Maurice Fitzmaurice. The Government is fully alive to the danger of imposing undue taxation on an industry which is the lifeblood of the Colony, but I submit that the continuation of the light dues places no undue burden on the shipping industry and I beg to move the resolution.

THE COLONIAL TREASURER seconded.

HON. MR. HOLYOAK—I beg to move on behalf of the Chamber of Commerce that this resolution be not discussed at length at this meeting but be adjourned to a subsequent meeting of the Council. We had a most specific promise from Sir Frederick Lugard that this tax would be only a temporary one. In a letter to the Chamber of Commerce on July 25th, 1908, the Government stated that it was not intended to make the extra light dues then put on permanent, but that they were to serve the temporary purpose of paying for the typhoon shelter. It is equally true, and it is only fair to say so, that His Excellency stated, he could not pledge his successors indefinitely to that pledge. I am not prepared at the moment to state that the Chamber of Commerce will oppose the permanent adoption of these light dues, but I say that this proposal, as a matter

of courtesy, and with a view to saving the time of the Council, should have been communicated to the Chamber of Commerce. This has always been done hitherto, and I think the Chamber of Commerce was frankly astounded to see this resolution included in the agenda of the Council for to-day, without any warning whatsoever to the shipping firms and shipping interests who are most profoundly interested in a question of the permanent adoption of the light dues. The Hon. Colonial Secretary has rightly stated that shipping is the life-blood of the Colony, and it is for that reason that the Chamber of Commerce wishes again to carefully consider whether it is necessary to make this a permanent tax, and secondly to protect themselves against any future increase of the tax. It is for this reason I move that the resolution be adjourned to the next meeting.

HON. MR. POLLOCK seconded.

HIS EXCELLENCY—I have no objection whatever to postpone it to the next meeting.

HON. MR. HOLYOAK—I thank you sir.

The resolution was accordingly deferred.

Vehicles and Traffic Regulation Ordinance

THE ATTORNEY-GENERAL moved the first reading of An Ordinance to amend the Vehicles and Traffic Regulation Ordinance, 1912.

The "Objects and Reasons" state:—

1.—It is intended that exclusive rights of running a motor omnibus in Kowloon and New Kowloon shall be granted in the near future, and the object of this Bill is to amend the Vehicles and Traffic Regulation Ordinance, 1912, so as to provide the necessary powers to do so.

2.—Exclusive rights will be granted in order to secure a regular service to outlying districts, which would not be possible under a system of free competition, and it is also anticipated that by this method better service will be provided generally for the public.

3.—The opportunity has also been taken to add a definition of "motor vehicles"

to section 2 of the principal Ordinance, and to increase the penalty imposed by section 4 of the principal Ordinance, in order to bring it into line with other legislation of a similar character.

THE ATTORNEY-GENERAL said—The object of the Bill is to take power to grant exclusive rights of maintaining motor bus services in the Colony. The reason why this power is required is that it is intended shortly to grant such rights in Kowloon. A monopoly for a term of years is thought better than free competition for two reasons. In the first place, it will enable the Government, by control of vehicles, and fares, and other things, to secure a better service, generally, for the public. It will also enable the Government to secure that there shall be a service to certain out-lying districts, from time to time, which probably would not be served under a system of free competition. If competition were free, probably the paying routes would be fairly well served, at least at the busy hours, but the non-paying routes would not be served at all; and even the paying routes would probably not get a proper service during the slacker times of the day. Free competition also might lead to racing and the use of ramshackle vehicles, owing to one competitor trying to under-cut another. The opportunity is taken of altering the penalty in the proposed Ordinance to what is now the standard penalty for minor summary offences, namely \$250 or six months. I beg to move the first reading.

HON. MR. POLLOCK—What terms are suggested for granting this privilege?

THE ATTORNEY-GENERAL—Regulations are being drafted and the term suggested at present is four years.

THE COLONIAL TREASURER seconded, and the first reading of the Bill was agreed to.

The Widows' and Orphans' Pension Ordinance

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

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

1.—The object of this Bill is to except from the operation of the Widows' and Orphans' Pension Ordinance, 1908, (a) the Indian and Chinese members of the Police Force and (b) all Government servants whose pay is less than \$420 per annum. \$420 per annum is the minimum pay in the clerical service under the revised salaries scheme. It is believed that the classes affected will welcome the relief from liability to contribute to a fund which is not so useful to them as to those members of the service to whom the Ordinance will still apply.

2.—Existing contributors are given by clause 3 the choice between continuing to contribute and withdrawal. In the latter event, they will receive back half of the total amount of their contributions, without interest. Officers on leave at the commencement of the Ordinance are allowed until one month after return from leave to make their election between continuance and withdrawal. All other officers are allowed until one month after the commencement of the Ordinance to make their election.

3.—The rights of officers who shall have left the service before the commencement of the Ordinance will not be affected.

4.—The Widows' and Orphans' Pension (Amendment) Ordinance, 1914, is repealed because it merely introduced the definition of the term "officer" which is now being repealed.

THE ATTORNEY-GENERAL said—The object of this Bill is to except from the operation of the Widows' and Orphans' Pension Ordinance the Indian and Chinese members of the Police Force, and to fix a higher limit than the present, below which officers will not be required to contribute. At present officers drawing \$240 a year, and over, are required to contribute. The new limit proposed by this Bill is \$420, which is the minimum pay of the clerical service under the revised salary scheme. It is believed that persons affected by this Bill will welcome relief from liability to contribute. Persons who have left the service before the commencement of the Ordinance will not be affected. Persons who are in the service, but who do not fall within the

new definition of the term "officer" will have given them an option of either continuing their contributions, or withdrawing; and they must make their election within a certain time—in the case of officers not on leave, within one month of the passing of the Ordinance, and in the case of officers on leave, within one month of their return from leave.

THE COLONIAL SECRETARY seconded, and the first reading of the Bill was approved.

Holt's Wharf Ordinance

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

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

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, considered the Bill clause by clause, and the Council was then resumed.

THE ATTORNEY-GENERAL moved the third reading of the Bill respecting Holt's Wharf.

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

FINANCE COMMITTEE.

A meeting of the Finance Committee followed the meeting of the Council, the COLONIAL SECRETARY presiding.

Repairs to Railway Embankments

The Governor recommended the Council to vote a sum of \$3,625 in aid of the vote Kowloon-Canton Railway, special expenditure, repairs to railway embankment.

Approved.

Secret Service

The Governor recommended the Council to vote a sum of \$2,000 in aid of the vote Imports and Exports Department, other charges, secret service.

Approved.

A P.W.D. Vote

The Governor recommended the Council to vote a sum of \$8,474 in aid of the vote Public Works, Extraordinary, Hongkong, communications, roads.—Road contouring Mount Gough and forming sites for quarters.

THE CHAIRMAN—This sum is a re-vote of the unexpended balance of the vote for 1920, required to pay off a contractor.

Approved.

Typhoons and Rainstorm Damages

The Governor recommended the Council to vote a sum of \$3,000 in aid of the vote Kowloon-Canton Railway, special expenditure, typhoon and rainstorm damages.

THE CHAIRMAN—This is a re-vote as regards \$2,676.54, of a sum of \$4,500 voted in August, 1920. The balance of \$323 is required to complete the work.

Approved.

The Training of Motor-Car Drivers

The Governor recommended the Council to vote a sum of \$750 in aid of the vote Kowloon-Canton Railway, special expenditure, expenses in connection with motor-car drivers.

THE CHAIRMAN—This sum is in connection with the training of motor-car

drivers. The expenditure to December 31st, 1920, was \$1,500 for gear, and for garage \$800, and to complete the garage, and for drainage, and lighting and an engine, a sum of \$750 is now required. The garage is costing rather more than the original estimate owing to the cost of drainage and lighting not having been included. Mr. Lambert of the Railway obtained an engine which he offered to the Government at cost, and this engine will serve the purposes of the school. The running expenses were included in the 1921 estimates, so that \$750 only are now required.

Approved.

Fire Protection at Kowloon Railway Station

The Governor recommended the Council to vote a sum of \$1,200 in aid of the vote Kowloon-Canton Railway, special expenditure, additional hydrants and main for Kowloon Station.

THE CHAIRMAN—No provision was made in the estimates for this year. The additional hydrants and main are considered necessary for the protection of the station and goods shed.

Approved.

Locomotives

The Governor recommended the Council to vote a sum of \$14,800 in aid of the vote Kowloon-Canton Railway, special expenditure, locomotives.

THE CHAIRMAN explained that by an oversight this money which was due to Messrs. Bailey & Co., was not provided for in the estimates.

Approved.