

27TH AUGUST, 1894.

PRESENT—

His Excellency the Governor, Sir WILLIAM ROBINSON,
K.C.M.G.

Hon. J. H. STEWART LOCKHART, Acting Colonial
Secretary.

Hon. A. J. LEACH, Q.C., Acting Attorney-General.

Hon. N. G. MITCHELL-INNES, Colonial Treasurer.

Hon. E. BOWDLER, Acting Director of Public Works.

Hon. R. M. RUMSEY, Harbour Master.

Hon. C. P. CHATER.

Hon. Ho KAI.

Hon. E. R. BELLIOS.

Hon. A. McCONACHIE.

Mr. J. G. T. BUCKLE, Acting Clerk of Councils.

MINUTES.

The minutes of the last meeting were read and
confirmed.

FINANCE.

The ACTING COLONIAL SECRETARY—I have the honour,
sir, to lay on the table financial minutes 1 to 5 and beg to
move that they be referred to the Finance Committee,
which will meet immediately after Council.

The ACTING COLONIAL TREASURER seconded.

Agreed.

PAPERS.

The ACTING COLONIAL SECRETARY—I have the honour to
lay on the table the following papers—Assessor's report on
the Assessment for 1894-5; report on the progress of public
works during the first half of 1894; reports on the
Hongkong Volunteer Corps; report on the Caterpillar
Plague by the Acting Superintendent of the Botanical and
Afforestation Department; Postmaster-General's Report for
1893, Acting Sanitary Superintendent's Report for 1893;
His Excellency's despatch with regard to the Plague, and
a l s o a P a r l i a m e n t a r y p a p e r

with reference to the Crown Agents, which it will be remembered the hon. member who recently represented the Chamber of Commerce in this Council asked should be laid on the table.

BY-LAWS.

The ACTING COLONIAL SECRETARY—I have the honour to move the adoption of certain by-laws which have been made by the Sanitary Board with regard to the housing of sheep and goats and pigs, and move that they be adopted.

Agreed.

THE WATER SUPPLY.

Hon. A. McCONACHIE asked the following questions:—
(A) Will the Government inform the Council what steps they intend to take or are now taking for increasing the water supply to the city. What will be the estimated additional storage, the probable cost, and description of the proposed new works, and how long they will take to complete. (B) Is it contemplated to raise the height of the Tytam Dam, if so, how much. (C) If any, and what provision, is being made (temporary or otherwise) for increasing the water supply to the city during the coming dry season. (D) Does the "water authority" anticipate there will be any necessity to curtail the daily water supply during the coming dry season as has been done regularly for the last few years.

The ACTING COLONIAL SECRETARY—The answer to the first question is, plans are in course of preparation, and it is proposed to enter into the contracts for the necessary works at an early date; the estimated additional storage is a hundred million gallons, and the probable cost about \$100,000. The proposed new works are the increasing of the height of Tytam dam by ten feet and constructing a subsidiary reservoir at Tytam. If the circumstances are favourable, it is hoped the works will be completed before the dry season of 1895. The answer to the second question is embodied in that of the first. The answer to the third is—none. In answer to the fourth, it is impossible to foretell what will be the amount of the rainfall in the next eight months, and on that almost entirely depends the question of curtailing our water supply. But the statement that the curtailing of the daily water supply has been done regularly for the last few years is not correct as a constant supply was maintained during the dry season 1891 to 1892.

THE STATE OF THE ROADS.

Hon. C. P. CHATER—I would beg to call his Excellency's attention to the constant complaints that are being made as to the state of the roads and the inconvenience and danger arising from their continually being taken up in the most crowded thoroughfares, and to ask whether any steps are being taken permanently to remedy this state of things?

His EXCELLENCY—In answer to that I may say that I have read all the complaints which have appeared in the

local papers on the subject. and I took the opportunity last Thursday of going over the roads myself. I may say as far as I can judge between the Club and Arsenal Street the roads are in a nearly perfect condition; there is a little picking going on near the Headquarter Offices, and posts are being put up alternately on either side of the road for the electric light. Further east there was a great deal being done. and I am sorry to say more will have to be done. I have reports here from Messrs. Chatham, Tooker, and Crook, of the Public Works Department. Mr. Chatham points out that over 3,000 houses have been redrained and about 4,000 have had water service laid on, and numerous openings of the roads have consequently been necessary to carry on the work. There has been of course great difficulty lately in getting a sufficient quantity of labour to do the work quickly. If you will allow these reports to be printed in the press, they will give full information on the subject to all who require it. and will show that the Public Works Department fully recognises the necessity of not putting the public to any more inconvenience than is necessary.

DECLARING THE PORT FREE.

Hon. C. P. CHATER—I beg to give notice that at the next meeting of Council I will ask the following question:—"As the plague is now virtually stamped out, the deaths and admissions during the last week having been very few, is it contemplated to withdraw the proclamation declaring Hongkong to be an infected port, and if so when.

THE WOMEN AND GIRLS' PROTECTION ORDINANCE.

The ACTING ATTORNEY-GENERAL—The first order of the day which I have the honour to move is the first reading of a Bill entitled An Ordinance to amend. "The Women and Girls' Protection Ordinance, 1890." and Ordinance No. 14 of 1891, entitled "An Ordinance to amend The Women and Girls' Protection Ordinance, 1890" On this occasion I do not propose to make any statement. The Bill is introduced by direction of the Secretary of State and the reasons and objects of the Bill will be found printed at the foot.

The ACTING COLONIAL SECRETARY seconded.

Bill read a first time.

THE TAIPINGSHAN RESUMPTION ORDINANCE.

The ACTING ATTORNEY-GENERAL—I have the honour to move the first reading of a Bill which I propose to shortly call the Taipingshan Resumption Ordinance. On ordinary occasions it is not usual to make any statement in reference to Bills on "first reading," but I think this Bill is of such importance that I may refer to one or two questions touching it. It will be within the recollection of hon. members of Council that on the 11th June this year your Excellency at a meeting of this Council stated shortly what were the steps that were proposed to be taken by the

Government in connection with the prevention of the plague in future. Your Excellency (referring to the proposed bill) then said (I am reading now from a report of the *Daily Press*, and I think it is fairly correct)—"I will give the Government—this is of course simply what we propose—it will give the Government power to enter into immediate possession of, and pull down, and destroy, all dwelling houses and blocks of houses unfit for human habitation. It will provide that the Government shall at once resume the possession of all land on which such dwellings are built, paying of course compensation for so doing. It will provide that the Government shall have power to enter all houses now insanitary though capable of being put into thoroughly sanitary condition. Owners will be compelled to amend all such defects in the houses as render them insanitary. The Government will have power to re-survey and rearrange all lots so taken, and open new roads and improve the old ones. Power will also be taken to enter and inspect all Chinese houses; such houses will be numbered and classified, and a fixed number of tenants will be allotted to each house and room, and owners will be obliged to enter into a covenant that that number shall not in any case be exceeded; any infraction will of course be followed by heavy penalties." In accordance with that sketch of what was proposed, a Bill was prepared. This Bill was of a general character, authorising the demolition and destruction of houses and constituting a Board of Arbitration, and making provision as regards the sanitary matters touched on by your Excellency. However, when the first print of the Bill came to be considered, it was found that the sanitary provisions contained in it then and the further sanitary additions to be introduced would so complicate the Bill that it was thought better to put them in a separate measure, and they were dropped out of this Bill altogether. The Bill was then reframed to take in only those general powers of demolition and resumption after a proper arbitration board had been constituted. However, before the Bill was finally framed the Permanent Committee of the Sanitary Board somewhat modified the view they put forward as to what was required, and you will find in a letter already printed in the daily newspapers that on the 28th June the Permanent Committee recommended instead of the general powers of resumption and instead of what was formerly proposed, the resumption of a certain area of Taipingshan; hence this present Bill. That Bill since being published in the papers has been modified to meet the views of the unofficial members of the Council so far as possible and of others who have reported upon it. That accounts for the alteration and delay in the programme first proposed. Of course, it will have to be looked upon as a first measure, to be followed by a second measure which will deal with the sanitary aspect

of affairs. The second point is as to the necessity for this Bill. I would ask hon. members to recollect that the chief object of this Bill is, so far as possible, so far as we can foresee, to prevent any recrudescence or any recurrence of that plague which has now visited the colony for upwards of four months. The area proposed to be dealt with, roughly speaking, comprises somewhat under 400,000 square feet, or 10 acres, and from the letter of the Permanent Committee of 28th June it will be seen that the area comprises 384 houses, of which 76 had more than three cases of plague in them, and were closed on that account, 146 had one or two cases of plague, and the remainder were condemned either from proximity to these other houses or were insanitary in themselves from other causes. Now, many of these houses are small, old, dark, badly drained and ventilated and some of them were then in a most filthy condition, and the majority of them were certified to be unfit for human habitation. The whole district is said to be badly laid out and badly drained, and the soil is foetid with the accumulations of years. Up to 28th June out of all the cases of plague which had occurred 50 per cent occurred in that particular district, and of the cases which occurred we know now from medical authority that the plague carried off from 75 to 80 per cent. of those attacked by it. Now the report of the Permanent Committee is deserving of the most serious attention. It is the report of four men who for two months and upwards had been giving their utmost time and attention to the plague and to the particular areas in which cases of plague occurred. From the evidence they produced and from the reports which are before the Government at present, the opinion seems to be almost unanimous that the whole area must be destroyed and laid out afresh. First, there was the recommendation of the Permanent Committee in the letter of 28th June, in which they say "nothing but the pulling down of the whole of the existing houses and the complete reconstruction of the quarter with wider streets and better drainage will ever prevent the neighbourhood from being a source of danger to the entire city." Then there is the report of the Housing Committee. It was composed, I think, of five gentlemen—the Colonial Treasurer as Chairman, Dr. Ho Kai, Mr. Jackson, Mr. Tooker (Public Works Department), and Mr. Turner, architect. What is the result of their inquiries, chiefly confined to medical evidence? They state in their report—it has not been published yet but I suppose there is no objection to my quoting from it—that "after careful consideration of the medical evidence tendered the committee unanimously agreed that the proper course to be pursued with regard to the 384 houses in the walled-in portion of Taipingshan is their demolition (preferably by fire), that being the only course open if the district is to be made permanently sanitary."

Surgeon-Major James, who, I think, is a member of the Permanent Committee. also wrote most emphatically to the Housing Committee stating that, in his opinion, total demolition was the only course to be pursued. He said—"I certainly cannot imagine that any course but the complete destruction of the infected area would be of any advantage; and to reconstruct it without destroying it first would involve its being pulled about so much as to double the labour and to allow the most dangerous spots to exist. The houses are structurally bad, the materials are old, the lanes are too narrow, and the whole area is overpeopled, the drains are imperfect, and, finally, most of the soil and materials are full of plague germs. There are, no doubt, other places nearly as bad, but none quite as bad and none so much poisoned." Then there was the evidence of the medical profession — Surg.-Col. Preston, Dr Ayres (Colonial Surgeon), Dr. Hartigan, and Dr Knott With the exception of Dr. Hartigan they were all of opinion that the houses should be pulled down and destroyed, and Dr. Hartigan was of opinion that those which could not be rendered fit for human habitation should be destroyed. Now, I think it is perfectly manifest if this wholesale destruction of the area of Taipingshan is to be carried out, it must be carried out by the Government, by one body, and not by individual owners. If, on the other hand, a less drastic measure is to be adopted—I think it will be admitted that some reconstruction at any rate of this area must follow,—but even if it is only partial, that again must be under the supervision of one guiding hand. It would never do to leave it to individual owners to reconstruct on their own account. Therefore, whatever may be the ultimate fate of this area I think it must be obvious to anyone who has attempted to familiarise himself with this subject that the resumption of this area is necessary. I conceive that it is the duty of the Government, at almost any cost, to take such steps as they find to be necessary, upon satisfactory evidence, or what is deemed necessary in the small knowledge that people have had up to the present of the terrible plague that has visited the colony to prevent a recurrence of the plague—a recurrence, which if it occurs would mean a greater loss to the Colony in the lives of the people and in its finances. Now the Government have doubtless endeavoured to get the best evidence they could, and if the balance of the evidence now in the possession of the Government points—as I think it does very strongly—to the destruction of whole area, then the whole area must be destroyed. What the Government have to do is not to take serious notice of or to regard as lightly, mere opinions or sentiments expressed by those who look at the matter through the spectacles of interest, because personal interest and individual interests may be influenced, directly or indirectly. The Government have to go upon the best evidence they can get, and if the balance of the evidence shows that Taipingshan ought to be destroyed it will have to be destroyed. The measure is urgent because whatever is

done ought to be commenced as soon as possible, so that when the period arrives when this disease is most likely to occur we can say conscientiously that we have, at any rate, commenced to do what we thought was necessary. There was also, I ought to add, before the Government strong evidence of what was necessary to be done in this area from the Japanese expert Dr. Kitasato and from M. Yersin, which points to destruction. This Bill is only the precursor of another measure, which is under preparation, which will deal broadly with the sanitary condition of these houses and the great question of overcrowding. Might I say before resuming my seat that there is one point—it is only a small point—which I should like to mention. In Committee on a Bill an amendment is frequently proposed—often it is not formulated in writing, and at the moment an amendment to a particular section is accepted without suspecting that it has reference to another part of the Bill. It may often happen that such an amendment is accepted and it is afterwards found that it materially affects some other section of the Bill, not thought of at the moment. There is no rule that I am aware of prescribing that any amendment should be made in writing, or notice given of it, but I should like to appeal to hon. members that if they have any amendments, material amendments, to make, while the Bill is in Committee after the second reading, will they, so far as they can, give one or two days' notice to the Government of what they intend to propose. I am sure it will facilitate the progress of this Bill and the business of the Council, and will probably prevent mistakes being made by accepting an amendment which it is afterwards found materially affects other portions of the Bill. With these remarks I beg to move the first reading.

The ACTING COLONIAL SECRETARY—I second that.

Hon. C. P. CHATER—Sir, I believe I am right in saying that this is probably the first time in the history of the colony that a Bill of this nature has been brought before this Council, authorising the Government to resume from the Crown lessees so large an area of land and entailing so heavy an expense. The reasons for this resumption are well known to everybody. They have been discussed both privately and in the press, and they are familiar to all those who take an interest in the matter. Therefore it is unnecessary for me to dilate on them. I may, however, mention that the ~~opinion~~ of opinion is in favour of the Bill as it is now presented to us. (Hear, hear.) Nevertheless, I should like to take this opportunity of saying a few words with regard to the action of the unofficial members in this matter. When the Bill was

drafted your Excellency was pleased to send each of us a copy for our consideration and for any remarks we might like to offer on it. After leaving the Bill for some time in the hands of my colleagues in order to enable them to fully consider it, I called a meeting for the purpose of discussing its provisions. It was then found necessary to call a second meeting and the final outcome of our deliberations was certain suggestions which we were to submit to your Excellency for your approval. Before we had an opportunity of doing this we received a communication from the Hon. Acting Colonial Secretary informing us that your Excellency desired to meet us to discuss not only the suggestions we had to submit but also the main principle of the Bill, namely, the resumption of Taipingshan, and for this purpose copies of correspondence on the matter were enclosed for our guidance. At an informal meeting held in this Chamber our suggestions were submitted and, for the most part, adopted—including the very important recommendation for the deletion of the latter part of clause 7 which bound the Government to resume and destroy lands and buildings and take up sewers, destroy streets, and carry away the soil and subsoil which had become infected on the area that was to be resumed. In regard to the main question, the resumption of Taipingshan, we have had no time to hold a meeting among ourselves and therefore each one can give his independent opinion. Mine was as it has always been, that at any expense a recurrence of the plague should be prevented, but I was by no means sure that the measures proposed to be adopted would ensure that result. From all the evidence advanced it was very clear that there were other localities outside that which was proposed to be destroyed as badly affected, and I pointed out to your Excellency that unless the Government was prepared to resume those other districts and improve their sanitary condition by giving them more light and better ventilation it would be useless to do what was proposed in the Bill, namely, the wholesale resumption and destruction of ten acres of land and the buildings thereon, and that what was required might be effected by resuming and destroying only such portions as could not possibly be made sanitary or habitable and by improving and disinfecting the remainder. I believe my hon. friend representing the Chamber of Commerce was of my opinion, while the hon. member next to me (Hon Ho Kai) was of a contrary opinion. And not unnaturally so, for he is as you are aware, a member of the Sanitary Board and of the Housing Committee, and both these bodies had strongly recommended not only the resumption but the total destruction of these buildings. I believe my hon. friend opposite (Hon. E. R. Belilios) was with my hon. friend on the right (Hon. Ho Kai). It was, however, decided that we should in the company of some of the hon. members present go and inspect the infected area, which I did, and the conclusion I arrived at after our inspection was that though there were certain portions which were in such a

hopeless condition that there would be no choice but to destroy them, yet this was by no means the case over the whole area. There are certain blocks which might be materially improved without adopting such a stringent measure and which might be made perfectly fit for habitation by introducing into them sufficient light and air for due sanitation, without any necessity for destroying streets and sewers and drains. But I also came to the conclusion that to do all this it was essentially necessary that the Government should in the first instance resume the whole of the area, and that, of course, is what is now proposed to be done by the Bill before us. Therefore, sir, we have no opposition to offer to the Bill as it now stands, but I beg to give your Excellency notice that as soon as the Bill has passed and the question of resumption is fully settled, I will move that a commission be appointed to go into the question of the destruction and that it be composed of men well qualified to deal with such questions, namely, sanitary engineers, medical men, and a few old residents whose knowledge of the requirements of the colony and whose experience in building operations would be of the greatest value, and I shall ask that nothing be done in the direction of destruction until a full examination is made and the report given to your Excellency.

Bill read a first time.

ADJOURNMENT.

His EXCELLENCY—The Council stands adjourned until next Monday.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held immediately after the Council. Hon. J. H. Stewart Lockhart, Acting Colonial Secretary, presided.

The CHAIRMAN—The first minute before the Committee is "The Governor recommends the Council to vote a sum of twenty thousand dollars (\$20,000), being the amount of the building grant to the Po Leung Kuk." Hon. members will remember that this vote was authorised by Ordinance 10 of 1893, section 16, and on that authority the money has already been paid over to the Po Leung Kuk.

Vote passed.

The CHAIRMAN—The Governor recommends the Council to vote a sum of \$100,000 to meet extraordinary expenses incurred in connection with the epidemic of plague. It is unnecessary for me to explain how this expenditure has arisen, and I regret to say that it has already exceeded the \$100,000. The Treasurer told me this morning that there was a debit to plague account of \$:07,7 45.95. In view of that fact do you not think it would be better to take a vote for a larger sum t h a n \$ 1 0 0 , 0 0 0 ? I a m

sure the Governor will be ready to accede to any recommendations of the Finance Committee. It is not a matter of much importance —it simply means bringing the matter before you again.

Hon. Ho Kai suggested a doubt as to whether the Finance Committee could make such an alteration, and the Chairman then put the vote.

Vote carried.

The CHAIRMAN — The Governor recommends the Council to vote a sum of \$5,000 to meet expenditure by the Botanical and Afforestation Department in connection with the recent caterpillar plague.

HON. A. McCONACHIE—I observed a short time ago that some men were felling a lot of heavy timber on the far side of Happy Valley, and it occurred to me that if judicious thinning were done in many parts of the colony a great deal of the timber might be sold and become a large source of revenue to the colony. This has nothing to do with the vote before us and I merely throw it out as a suggestion.

The CHAIRMAN—I think that scarcely bears on the vote. If you like you can bring that up in Council.

Vote passed.

The CHAIRMAN — The Governor recommends the Council to vote a sum of six thousand dollars (\$6,000) for refunds of revenue. A refund of \$14,000 has already been made in the matter of one estate.

Hon. E. R. BELLIOS—How was that?

The CHAIRMAN—It means that a sum of \$14,000 which was paid for probate duty was refunded because the estate was not really able to pay such an amount.

Vote passed.

The CHAIRMAN — The Governor recommends the Council to vote a sum of one thousand two hundred dollars (\$1,200) for the expenses of the Medical Department, as follows:—Medicines, \$700; Light and Fuel. \$500.

(Medical expenditure in connection with the plague is not included in the above, but will be defrayed from the Plague Vote.)

Vote passed.
