

22ND NOVEMBER, 1898.

PRESENT:—

His EXCELLENCY the ACTING GOVERNOR, Major-General BLACK, C. B. (Officer Commanding the Troops).

Hon. T. SERCOMBE SMITH (Acting Colonial Secretary.)

Hon. R. MURRAY RUMSEY (Harbour Master).

Hon. F. H. MAY, C.M.G. (Captain Superintendent of Police.)

Hon. A. M. THOMSON (Acting Colonial Treasurer.)

Hon. R. D. ORMSBY (Director of Public Works.)

Hon. C. P. CHATER, C.M.G.

Hon. Dr. HO KAI

Hon. E. R. BELLIOS.

Hon. J. J. BELL-IRVING.

Hon. WEI A YUK.

Mr. J. G. T. BUCKLE (Clerk of Councils.)

This being the Acting Governor's last appearance at the Council meeting a number of ladies and gentlemen belonging to the outside public attended.

THE ACTING-GOVERNOR'S FAREWELL.

His Excellency MAJOR-GENERAL BLACK, before the commencement of the ordinary business, said:— All business firms whether large or small take stock once a year, and call a momentary halt to see how they stand before girding up their loins for the work of the coming year. Governments, which are but large business firms working for the public weal, in the same way review each year their position, and not only put forward their balance sheet but indicate with modest satisfaction schemes which have run smoothly and well, and gloss over those which, however well laid, have for some cause or other gone agley. I take, then, no unusual course in asking you to listen while I briefly touch upon some of the events which have made the ten months I have had the honour to hold the reins more eventful than many like periods in your past history. Although less severe than in 1894, the Plague has this year claimed 1,163 victims out of 1,320 stricken. Wisely abandoning the too stringent application

of Western methods the Government erected suitable hospital buildings at Kennedytown, placed them in charge of the Tungwa Hospital, and induced to Chinese to carry their sick to that benevolent institution. While deeply deploring the loss by this dread visitation, I am glad to congratulate the medical profession, and the other Government officials whose duty connected them with the suppression of the plague, for the strenuous and unselfish efforts with which they carried out their humane duties. Three of the sisters caught the infection at the post of duty, of whom two died, giving up their lives as nobly as men who die on the field amid the din and excitement of battle. (Applause.) The outbreak of war between Spain and America— two countries in friendly relations with England —threw on this Government the onerous task of maintaining the laws of neutrality. A little island stored with food, coal, and all the munitions of war in great abundance lying off a coast indented with harbours, is naturally a convenient spot where belligerents might replenish their stores of coal and food, and it is a source of satisfaction to this Government that thanks to the energy and tact with which the officials carried out their duties, the laws of neutrality were strictly enforced, and yet the end of the war found us on as friendly terms with either belligerent as at the beginning. The changes that this war may bring may deeply affect this colony but they still lie in the future and are not yet within our ken. A social incident not without its bearing on a great national movement was the arrival in Hongkong of a German Prince charged for the first time with high command in Eastern waters. The Prince of Prussia would have found a welcome for his own sake. Courteous, kind, and capable, yet every inch a Prince, he was welcomed by the whole community of Hongkong, and the English inhabitants did not forget in their welcome that he and his wife are grand-children of our beloved Queen. (Applause.) Hongkong has long felt the anomaly of its position, with the northern side of its magnificent harbour actually belonging to another power, its forts at the eastern entrance commanded at short rifle range by the Devil's Peak, and the end of its mine fields almost touching the Chinese soil, the Bay of Kowloon within the precincts of its harbour but outside its jurisdiction. In June last a Convention was signed by which our boundary line is pushed some 13 miles to the north, thus sweeping away these anomalies giving Hongkong room to expand, and more than all preventing the passing into other hands of the roadstead of Lantau, and the safe harbours of Mirs Bay. (Applause.) Much interest is naturally felt in Hongkong as to the position of the stations of the Maritime Customs. It seems to me only just and necessary that these should recede with the new boundary—(applause) —for it would be an abdication of sovereignty if a foreign power were allowed to exercise control within British waters. At the same time I recognise that it is right that we should aid the friendly

Government of China in her task of protecting her revenue, made so difficult by the indented nature of the coast line, and to this end I have suggested that opium should be stored in Government Godowns, and only issued on Government permit. In legislation much useful but unobtrusive work has been done. I may instance:— The Trade Marks Ordinance. The Liquor Licences Ordinance, The Bank Note Ordinance. The increased issue of Bank notes has, from causes well known to you all, been long demanded and the enlarged circulation is proving a great boon. The Queen's Recreation Ground Ordinance; in the last I have taken a great interest, and I have some right to look upon it as a bantling of my own. The recurrence of the plague has forced on every thinking man the need of letting light and air into the blocks of Chinese houses, which, full of human beings in many cases, literally stand back to back in the City of Victoria, containing rooms into which the sun never enters, and where the fetid air has no motion. Doctors and physic, good though they be by themselves, are powerless to cure, while sun and air are sure preventives; and great as the task may be of bringing these natural agents into this reeking mass of humanity their admission must be secured by law. A bill is now before you which I admit does not go far enough, but it will at least be the beginning of a great reform. Many complaints have been made as to the shortcomings of the Post Office; a great deal of the confusion comes from retrenchment having been carried too far, and from the business having outgrown the building. I have submitted recommendations to the Secretary of State which will, I trust, produce great improvement in the department, in whose wellbeing every individual is concerned. Nearly allied to the Queen's Recreation Ground is the reservation of the rocky bluff on which stands the boulders called Sung Wang Toi or the "Watch Towers of the Sung" which, as far as I can gather, is the only historical monument which links modern history with the old-world time. To make its reservation more certain, I applied to the Secretary of State for leave to bring in a bill to this end, and his permission is now on the sea. I regret that I will not have the pleasure of giving assent to it. A survey has been made of the Jubilee Road round the Island. It has been traced with easy gradients, and offers in the section between Aberdeen and Deep Water Bay, an important sanitary reform, for part of the scheme is to fill up and turf over the festering inlet, to which the leading medical men of the colony point as the source of the malaria which has so long marred the health of Aberdeen and the neighbourhood of

Magazine Gap. I have nothing but the good of the community at heart, and I emphatically state that if you believe medical testimony, it is your duty to decree that this section be the first taken in hand. Health and pleasure and the wheels of progress, and I may add of bicycles, move on roads, and in my belief a great strengthening of the defence of this Island will take place when the tracing across the pathless barrier of Mount Cameron and Mount Nicholson is broadened into a road. Shortly after arriving in this colony I urged the Government to take this in hand on public grounds, and it is with great pleasure that by an agreement effected on my representation this boon to the pleasure of the colony and to its defence may be expected shortly to begin. The Executive Council has directed that this road be called "General Black's Link." I feel and value the compliment and only ask that the name may be shortened to "The Black Link." I can hardly teach you much about finance; the revenue is increasing, the financial position is sound, and taxation is light; but costly works lie ahead. New Law Courts, New General Post Office, a new Government Residence at the Peak and other public works for which money will have to be provided; in fact the cry is ever "Onward," and I have no doubt that under the able Director, the public works of the future will be as magnificent and useful as those undertaken in the past. It is beyond my province to do more than allude to the great dramas that have been and are being enacted around us. We live in a history-making epoch and changes are now in progress which will powerfully affect the future destinies of the five great nations of the world. Little Hongkong is not far removed from the centre of action, and its rulers may have a word to say to the shaping of events. Sir Henry Blake will shortly arrive to assume the reins of government and I congratulate the colony on having secured a chief so able and so experienced, and have no doubt that the colony will advance under his wise rule. I cannot retire from the Presidency of this Council without thanking the Honourable Members for the zeal and attention which they have brought to bear on all matters submitted to them and for the kindly spirit which has animated all their dealings with me. I have much pleasure in acknowledging the loyal and willing co-operation with which the Colonial Secretary and the other official members have worked with me in our joint task of carrying out the administration of the colony. (Applause.)

The Hon. C. P. CHATER—Your Excellency, on behalf of my colleagues and myself, the unofficial members, I have to thank you indeed very much for what you have been pleased to say about us, and I should like to offer a few remarks on this occasion, being the last you will as Officer Administering the Government preside over this Council. During the 10 months you have filled the chair you have always shown unflinching tact in the conduct of the business of the Council and the utmost consideration

for its members, and we have now to thank you for that consideration and courtesy. Your Excellency has during the tenure of your office as Acting Governor been called upon to exercise a good deal of nice discrimination in several matters and you have never spared time or trouble in connection with the affairs of the colony. Your term of administration, it is interesting to remember, will always be memorable in our local annals as the year in which the extension of the boundaries of the colony was secured, and the part you have taken in connection therewith will be a pleasant recollection to you when you are faraway. In taking leave of your Excellency as the President of the Council I trust you will have an equally useful field for your energies in some other part of our very wide Empire—(hear, hear)—and that your sterling qualities will be as highly and as fully appreciated as they are in this colony. (Applause.)

Hon. HO KAI—Your Excellency, as senior representative of the Chinese, perhaps I will be permitted to add a few remarks to those that have fallen from the senior unofficial member. On behalf of the Chinese, I would acknowledge to your Excellency that they appreciate your wise and benevolent administration to the fullest extent, and the only regret the Chinese community have is that that reign, so beneficent and so conducive to their welfare, is all but too short. When you vacate the chair of this Council, when you leave the administration of the Government, the Chinese will feel that they will have lost a wise ruler as well as a true friend. Personally, I have to thank your Excellency for the many kind acts that you have shown towards myself and my colleague, the Hon. Wei Yuk, thus rendering what otherwise would be a difficult task, to represent the Chinese in this Council, an easy matter and also a pleasant one. I can assure your Excellency that long afterwards we will remember your kindness to us, and also the support and assistance you have given to us in our public capacity and shown us in our private intercourse. (Applause.)

The ACTING COLONIAL SECRETARY—Before proceeding with the business of the day. I am sure your Excellency will excuse me if I say that the official members of this Council are much indebted to your Excellency for the kind terms in which your Excellency has spoken of the co-operation and zeal with which the official members of this Council have worked with your Excellency. I do not think I am flattering the Civil Service of this colony when I say that loyal co-operation with all its Governors, and zeal to carry out measures conducive to the welfare of the colony are marks of the

Civil Service of this colony. I think I may go a little further than merely offer the warmest thanks of the official members, and make myself spokesman of all the Civil Servants. Many of them have not been, perhaps, brought into personal contact with your Excellency, but the manner in which you have ruled, and given your decisions, and the gentle and firm way in which you have held the reins of office cannot but be admired by the members of our service. (Applause.)

The business of the meeting was then proceeded with.

MINUTES.

The minutes of the previous meeting were read and adopted as a correct record.

FINANCIAL.

On the motion of the ACTING COLONIAL SECRETARY, seconded by the ACTING COLONIAL TREASURER, financial minutes Nos. 16 to 22 were referred to the Finance Committee.

On the motion of the ACTING COLONIAL SECRETARY, seconded by the ACTING COLONIAL TREASURER, the report of the Finance Committee, No. 7, was adopted.

SANITARY BYE-LAWS.

On the motion of the ACTING COLONIAL SECRETARY, seconded by the ACTING COLONIAL TREASURER, Sanitary Bye-laws regulating the use of cemeteries submitted by the Sanitary Board were approved.

VALUATIONS INCREASED.

The DIRECTOR OF PUBLIC WORKS—I rise to move the following resolution:—"That the percentages on the valuation of tenements in Hok-ün and Kwo-lo-wan (the latter now known as Kowloon Marine Lot 40) at present payable as rates under the Rating Ordinance of 1888, as amended by Ordinance No. 5 of 1892, be altered from 7 per cent. to 9 per cent." The necessity for this resolution arises from the fact that the water mains at Kowloon are being extended to the villages named.

The ACTING COLONIAL SECRETARY seconded, and the motion was carried.

FURTHER PROVISION FOR THE SANITATION OF THE COLONY.

The CAPTAIN SUPERINTENDENT OF POLICE—I have the honour to move the first reading of a Bill entitled an Ordinance to make further provision for the sanitation of the colony and to repeal certain enactments of the closed houses and insanitary dwellings Ordinance, 1894. It is not customary to treat in any detailed manner of the arguments in favour of a Bill on the first reading, and I do not propose to do so on the present occasion. I will only say that perhaps no more important measure has ever been brought before the Council than this Bill, and I am sure the members of this Council feel it will give your Excellency great satisfaction if hereafter you shall learn that the Bill has passed into law in such a form as to be of real service to the cause of sanitary improvement in this colony. However, there are one or two points in the

Bill so inaccurate or contradictory that I think it is desirable to draw attention to them, as it is probable they will deserve the consideration of the Government before the Bill is brought up for a second reading. The first point is in section four, subsection *e*. the latter portion of which reads as follows:—"And such floor area shall not in any case be less than that laid down in the substituted section 67 of the Public Health Ordinance, 1887, as set out in section 9 of Ordinance 15 of 1894." The fact is that there is no regulation regarding floor area *per se*. The number of persons who may inhabit a domestic building is limited in accordance to the floor area—that is to say only one adult person to every 30 square feet of floor area—and as it is apparently that provision which was intended to be referred to these words require attention. The next point is in section 6, where the following words occur—"The provisions of every Ordinance or bye-law in force in this colony as to keeping backyards clear of obstruction shall apply to every such open space as aforesaid." Now, sir, if we examine for a moment the bye-law which regulates backyards, namely No. 5 of the bye-laws made under section 13 of Ordinance 15 of 1894 and published in the *Government Gazette* of 22nd May, 1897, we find a proviso at the end of the first para, graph which reads:—"Provided, nevertheless—that in cases where such backyards exceed an area of 100 square feet in the case of buildings of two storeys in height, and 150 square feet in the case of buildings of three or more storeys in height, such back-yards need only be kept clear of obstructions (including bridges and covered ways) and fixtures, and open vertically to the sky throughout, to the extent of 100 and 150 square feet respectively." That is to say that the largest open space that need under the bye-law at present be kept clear of obstruction in a back-yard in this colony is 150 square feet, but let us look for a moment at the scales of open spaces which are proposed for domestic buildings in the future. We will take the one nearest:—"Houses exceeding 60 feet in depth, for each foot of width, 14 square feet." In the case of a house 15 feet in width that would give an open air space of 210 square feet. To make that subject to the provision of the bye-law, what you give with the one hand you take away with the other, because bye-law No. 5 says only 150 square feet need be kept open. Therefore when a man had made his open air-space of 210 square feet. he would be allowed under the bye-law to close up 60 square feet of it. That is a point which must have escaped the draughtsman. Then, sir, at the end of the scale relating to the provision of lanes a proviso is required that such lanes when formed shall be kept free from

obstruction. It is clearly of little use to accept the opening out of a back lane without some provision being made for such back lane to be kept open and unobstructed. The next subsection (sub-section *b*) says:—"In computing the depth of a house for the purposes of this section the depth of the kitchen shall be included in the computation of such depth in every case except when such kitchen is separated from the habitable portion of such house by an open yard extending the entire width of the back of such house." That sub-section, sir, is contradictory to the scales which appear above and to the spirit in which they were made. To give an instance. It is provided that for houses exceeding 60 feet in depth 14 square feet of open air space should be provided for each foot of width. That would give 180 square feet—that is measuring the house over all— but if such houses had a back-yard six feet in width and a kitchen beyond that of six feet in width, these 12 feet would according to the sub-section have to be deducted from the 60 feet over all, and that would leave 48 feet for the principal dwelling room, which apparently according to this sub-section would be accepted as the depth of the house. That would bring the house into the second class of the scale instead of the fourth class. It would become a house "exceeding 40 feet but not exceeding 50 feet," and for each foot of width there would only have to be provided an open-air space of six feet or 50 per cent. less than was intended under the scale. The introduction of this sub-section would have the effect generally of diminishing the air space,— for it must be remembered that the kitchen as well as the dwelling room require ventilation—that was intended to be provided under the scales, and would induce to the contriving of narrow backyards in order to make a house measure as short as possible and to the building to backyards instead of to, back (or scavenging) lanes, which would be contrary to the whole spirit of the scales. If the sub-section is deleted something of this sort would have to be substituted: "the depth of a house for the purposes of this section shall always be computed by measuring from the front main wall to the back main wall of the premises," and if the word "premises" is used the expression "premises" should be defined. In the interpretation, clause the Ordinance "domestic building" is defined and does not include a kitchen, and the word "premises" might be defined as meaning any domestic building together with any cookhouse, outhouse, store-room, shop, work-room, or other adjunct thereto. There is another point in section 7. There is a bye-law dealing with the obstruction of private streets and lanes, but I think that if the bye-law is carefully scanned it cannot be found to be satisfactorily worded. It reads as follows: — "No street over land held under lease from the Crown upon which any domestic buildings abut, shall, without the permission in writing of the Sanitary Board, be obstructed by any structure whether temporary or permanent which may, in the opinion of the Medical Officer of Health or such other officer as may be

appointed for that purpose by the Sanitary Board, prejudicially affect the health of any of the inmates of any of such buildings, or if such street be already partially so obstructed it shall not be further so obstructed, without such permission in writing." That bye-law says that if the Medical Officer of Health raises no objection to the obstruction of any such street the street may be obstructed in defiance of any objection on the part of the Sanitary Board; but if the Medical Officer of Health pronounces the obstruction to prejudicially effect the health of any of the inmates of any such buildings then the Sanitary Board may grant permission for the obstruction of the street in defiance of the opinion of the Medical Officer of Health. I do not think, sir, that a piece of legislation of that kind can when carefully examined commend itself to the practical common sense of the community, and, moreover, it places the Medical Officer of Health and the Sanitary Board in antagonism and in a very peculiar position. It would be simpler far, if, as I think it must be conceded, these private streets and lanes should not be obstructed, to add to the section some such words as, "No obstructions whatever shall be placed in any street or lane on which domestic buildings abut." I mention these few points. They appear some of them to have crept quite unintentionally into the Bill which is only to be expected in a measure of such a highly technical nature.

The ACTING COLONIAL TREASURER seconded.

The Hon. C. P. CHATER—I quite agree with the opening remarks of the Hon. the Captain Superintendent of Police when he stated that at the first reading of a Bill it is not customary to address the Council. I, like him, had no intention of addressing the Council, but I think a remark or two at the present moment may not be out of place. The Hon. the Captain Superintendent of Police stated that the Bill before us was a very important one. Yes, I say, sir, it is one of the most important Bills we have had before us for a long while and it is important in more ways than one. It is very important indeed, sir, to most of the Chinese in Hongkong who hold a large amount of property, and I would therefore ask your Excellency that before the second reading of this Bill takes place you will see that the Bill is translated into Chinese and not only published in the *Government Gazette*, but also in as many leading Chinese newspapers as possible. (Hear, hear.) Very large vested interest of the Chinese will be effected if this Bill should

pass as it now stands. In fact I am of opinion it will mean almost confiscation of property from the smaller holders.

HIS EXCELLENCY—I think every Bill which affects the whole community should be published in that way.

Dr. HO KAI—I wish to add my request to that of the senior unofficial member.

HIS EXCELLENCY—I think it a most admirable suggestion.

The Bill passed the first reading.

HONGKONG CHINESE AND THE PHILIPPINES.

The ACTING COLONIAL SECRETARY—In the absence of the Acting Attorney-General, Mr. Pollock, who is detained at the Criminal Sessions, I have the honour to move in his stead the first reading of a Bill entitled an Ordinance to authorize the imposition of fees for the issue by the Government of Hongkong of certain certificates to certain classes of Chinese who are desirous of going to the port of Manila in the Philippine Islands. Members of the Council will remember that some time ago in this year a similar Ordinance with regard to the granting of certificates to certain classes of Chinese desirous of going to the United States was passed by this Council. In that case the fee was \$50 and in this case it is \$25. The objects and reasons are fully stated in the note attached by the Hon. Attorney-General to the Bill.

The ACTING COLONIAL TREASURER seconded, and the Bill passed the first reading.

The ACTING COLONIAL SECRETARY—I think it would be as well, sir, to pass this Bill through all its stages to-day, and therefore I beg to move that the standing orders be suspended.

The ACTING COLONIAL TREASURER seconded and the motion was passed.

On the motion of the ACTING COLONIAL SECRETARY, seconded by the ACTING COLONIAL TREASURER, the Bill was read a second time.

The Council then went into Committee to consider the Bill clause by clause.

The Hon. Dr. HO KAI—It is \$50 for a fee for America, but the Philippines are a much shorter distance away and \$25 seems rather heavy.

The Hon. C. P. CHATER—May I ask the Colonial Secretary if it is intended to charge \$25 on each occasion a person may wish to go to Manila.

The ACTING COLONIAL SECRETARY—It will depend on the view the authorities of Manila take.

The ACTING COLONIAL TREASURER—The same amount of work is involved no matter what the distance.

The Hon. C. P. CHATER—It is not the distance I am

speaking about. I wanted to know whether every trip the same emigrant made he would have to pay \$25. If so I am quite of the same opinion as the Hon. Dr. Ho Kai that it is rather heavy, but if not I think it should be \$25.

The Hon. Dr. HO KAI—Supposing a man returns here and then goes back again he must have one of these certificates?

HIS EXCELLENCY—My own impression is that in the States they only pay once for their certificates because the United States give a permit to return.

The ACTING COLONIAL SECRETARY—If a man does not get a permit from the United States to return he has to get a fresh certificate.

The Bill was read a third time and passed.

NATURALISATION.

A Bill for the naturalisation of Un Chung Wo *alias* Un Oi U *alias* Un Hi *alias* Un Kwok Hi, was read a third time and passed.

ADJOURNMENT.

The Council then adjourned.

FINANCE COMMITTEE.

A meeting of the Finance Committee was then held, the Acting Colonial Secretary presiding.

VOTES.

The following votes were approved:—

A sum of \$3,472 in aid of the following votes:—(a) Provisions for Prisoners, \$2,000.00; (b) Materials for Remunerative Industry; 1,000.00; (c) Clothing, etc., for Gaol Staff, 472.00; total, \$3,472.00

A sum of \$2,300 to meet the cost of certain alterations in the Gaol for laundry purposes.

A sum of \$150.94 to cover the expenses incurred in connection with the recovery of the Gap Rock moorings.

A sum of \$2,700 to meet the following expenses during the current year:—

(1.) Half salary of the Acting Colonial Secretary from 26th June to 5th October, 1898, \$1,347.82.

(2.) Expenses of the Special Commissioner (Honourable J. H. Stewart Lockhart, C.M.G.) in connection with the extension of the Kowloon boundaries, 1,352.18. Total, \$2,700.00.

A sum of \$600 in aid of the vote "Improvement of Gas Lighting, City of Victoria."

A sum of (\$500) in aid of the vote "Incidental Expenses," Sanitary Department.

A sum of \$900 in aid of the following votes, Police Department:—1, oil and wick and gas for barracks, \$500.00; 2, meals for prisoners in cells, \$100.00; 3, photography, \$200.00; 4, secret service, \$100.00; total, \$900.00.

The committee then adjourned.