

26<sup>TH</sup> OCTOBER, 1899.

PRESENT:—

His EXCELLENCY the GOVERNOR (Sir Henry Blake, G.C.M.G.).

His EXCELLENCY Major-General GASCOIGNE C.M.G. (Commanding the Troops).

Hon. J. H. STEWART LOCKHART, C.M.G.-Colonial Secretary.

Hon. H. E. POLLOCK (Acting Attorney-General).

Hon. R. MURRAY RUMSEY (Harbour Master.)

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

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

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

Hon. Dr. HO KAI.

Hon. T. H. WHITEHEAD.

Hon. E. R. BELLIOS, C.M.G.

Hon. WEI A YUK.

Hon. J. J. KESWICK,

Mr. R. F. JOHNSTON (Acting Clerk of Councils).

REPORT OF THE FINANCE COMMITTEE.

The COLONIAL SECRETARY laid on the table the report of the Finance Committee (No. 6) and moved its adoption.

The COLONIAL TREASURER seconded, and the motion was carried.

REPORT OF THE PUBLIC WORKS COMMITTEE.

The DIRECTOR OF PUBLIC WORKS laid on the table the report of the Public Works Committee (No. 3).

FINANCIAL MINUTE.

The COLONIAL SECRETARY laid on the table Financial Minute No. 19, and moved that it be

referred to the Finance Committee.

The COLONIAL TREASURER seconded and the motion was carried.

QUESTIONS.

The Hon. T. H. WHITEHEAD—I rise to ask the questions of which I have previously given notice.

The questions were as follow:—

(1).—Will the Honourable the Colonial Secretary lay on the table a statement of the revised Estimate of Revenue to be received from the New Territory for the year 1899, if any, and 1900 separately, and give the principal sources from which same is to be derived and how collected?

(2).—Will the Honourable the Colonial Treasurer lay upon the table a statement shewing the total cost of personal emoluments, pensions, and exchange compensation for the years 1895, 1896, 1897, and 1898 separately, similar to that laid before the Council dated 3rd December, 1895.

(3).—Will the Honourable the Colonial Treasurer lay upon the table a statement shewing the total Military Expenditure and Contribution for Barrack Services and Defence Works separately for the last ten years, ending 31st December, 1898.

(4).—Will the Honourable the Colonial Treasurer lay upon the table a statement shewing the total revenue and expenditure of the Post Office Department separately for the last ten years, ending 31st December, 1898.

The COLONIAL SECRETARY—In reply to the first question of the honourable member I beg to answer as follows:—

It is not possible to give accurate figures at present regarding the revenue which will be collected this year from the New Territory. As soon as the Government is in possession of the actual figures they will be published. As to the year 1900, the amount of revenue which

it is estimated will be derived from the New Territory is given in the Estimates as \$100,000. The revenue in the New Territory will be collected at one or two centres by the staff of the Colonial Treasurer.

The COLONIAL TREASURER—In reply to the second, third, and fourth questions. I have by your Excellency's direction laid the statements asked for on the table, but I may say that there has been a mistake in the statement of the expenditure of the Post Office for the year 1889 and 1890.

#### THE LAW RELATING TO SOLICITORS.

On the motion of the ACTING ATTORNEY-GENERAL, seconded by the COLONIAL SECRETARY, the first reading of a Bill entitled an Ordinance to amend the Law relating to Solicitors, was read a first time.

#### THE ESTIMATES.

The COLONIAL SECRETARY—I have the honour to move the second reading of the Bill entitled an Ordinance to apply a sum not exceeding two million six hundred and eighty-one thousand six hundred and fifty-one dollars to the Public Service of the Year 1900.

The COLONIAL TREASURER seconded, and the motion was carried.

The COLONIAL SECRETARY—In accordance with the usual practice I beg to move that this Bill be now referred to the Finance Committee.

Carried.

#### THE INSANITARY PEOPERTIES BILL.

The ACTING ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled an Ordinance to make further provision for the sanitation of the Colony and to repeal certain enactments of the closed houses and in-sanitary dwellings Ordinance, 1894. Honourable members have had before them for some time past the statement of objects and reasons which are attached to this Bill, and I do not think it is necessary therefore, for me to go through the line of argument set forth in the objects and reasons attached to the Bill. I would, however, beg leave to call the special attention of the Council to clause 4 of the Bill, which I think introduces some very important amendments indeed in the requirements with regard to cubicles. Clause 4 of the Bill stands in the place of sub-section *b*, of section 8, of Ordinance 15 of 1894. which is repealed by this Bill. Sub-section *b* of Section 8 of Ordinance 15 of 1894, provides that where "any domestic building is divided into separate compartments by partitions, it shall not be lawful to put up, continue, or maintain partition walls of

a greater height than 8 feet, or to leave a space between the top of the partitions and the ceiling or underside of the joists of less than 4 feet, or to allow such space to be closed except in such manner and with such material as may be prescribed by the Sanitary Board, and unless the whole of such compartments are provided with light and ventilation to the satisfaction of the Sanitary Board. For the purposes of this section every sub-division of a domestic building, unless it has one window at least, as here in before specified, opening directly into the external air, shall be considered a compartment." I think if honourable members will compare that sub-section with clause 4 of this Bill they will see the very great advance in sanitary requirements which is introduced by that clause. In the first place, honourable members will notice that by the existing law it was competent for anybody to put up a cubicle on any floor, With regard to the amendment proposed by this Bill, sub-section *a* of clause 4, says:—"In domestic buildings fronting streets of a width of less than 15 feet, no cubicles or partitions shall be erected, or if already existing shall be allowed to remain, except on the top floor." Sub-section *b* of the same clause of the Bill says:—"In domestic buildings fronting streets of a width of 15 feet or over, no cubicles or partitions other than 'p'ing fung' (*i.e.*, shop divisions) shall be erected, or if already existing shall be allowed to remain, on the ground floor, and in the case of every such 'p'ing fung' there must be a space between the top thereof and the ceiling or under side of the joists of the room of not less than four feet, which may be closed in only by wire netting, lattice work, or carved woodwork, arranged in such a way as to leave at least two-thirds open and as far as practicable evenly distributed." Sub-section *c* of the same clause of the Bill contains the very necessary requirement that:—"No cubicles or partitions shall be erected, or if already existing shall be allowed to remain, in any kitchen." Sub-section *d* of the same Bill provides that in cases when there are two cubicles the partition shall not exceed seven feet in height and when there are more than two the partition shall not exceed six feet in height, whereas sub-section (*b*) of section 8 of Ordinance 15 of 1894 which I read just now allowed a partition of eight feet high in every case no matter what the number of cubicles was. Sub-sections *e*, *f*, *g*, and *h* of clause 4 of this Bill also contain useful provisions with regard to cubicles the object of which is fully explained in the objects and reasons attached to the Bill and I do not think I need go into them now. Clause 5 of the Bill contains certain provisions with regard to mezzanine floors and cocklofts, and I think the principal difference between clause 5 of this Bill and the existing law, which is contained in section 7 of Ordinance 15 of 1894 is that the latter provides for such mezzanine floors and cocklofts not being erected without the authority in writing of the Sanitary Board, whereas clause 5 of this Bill provides for the Sanitary Board making certain regulations with regard to mezzanine floors and cocklofts. Clause 6 of

the Bill provides that in case of land acquired from the Crown after the passing of this Ordinance no building shall exceed in height one and a half times the width of the street upon which such building fronts. That is a requirement more stringent than the provision of section 12 of Ordinance 15 of 1894. Clause 7 of this Bill provides for open spaces in the rear of existing domestic buildings and clause 8 provides for open spaces with regard to domestic buildings erected after the passing of this Ordinance. Clause 7 provides that there must be at the rear of existing domestic buildings a backyard of at least 50 feet in area. That is a more stringent regulation than is contained in the present law. The Insanitary Properties Commission recommended that there should be a space at the rear of 40 square feet. This clause goes further than that. Clause 8 provides that every domestic building hereafter erected in this Colony (except in cases provided for by section 66 of the Public Health Ordinance, 1887, or coming within the terms of Articles of Agreement under the Praya Reclamation Ordinance, 1889) shall be provided with an open space in the rear in accordance with the following scale:—Houses not exceeding 40 feet in depth for each foot of width 8 feet square; houses exceeding 40 feet but not exceeding 50 feet in depth, for each foot of width 10 square feet; houses exceeding 50 feet but not exceeding 60 feet in depth, for each foot of width 12 square feet; houses exceeding 60 feet in depth, for each foot of width 14 square feet. In no case may any obstructions whatever be placed or erected in these open spaces, with the exception of a bridge or covered way on each storey not exceeding three feet six inches in width when such bridges are necessary as a means of access to any part of the domestic building. That same clause also contains a provision that if a lane is made opening upon a public street the requirements as to width shall not be so great as in the case of an open space at the rear where no lane exists. Clause 9 of the Bill provides for the maintenance and lighting of streets, in the rear of domestic buildings and clause 10 provides for the surfacing, channelling, and draining of private streets and lanes upon which domestic buildings front. Clause 11 provides for the time within which alterations, etc., required by this Bill must be made, six months from the date of the coming into force of the Ordinance being allowed, in the case of alterations under clause 7 and in the case of alterations as regards cubicles or partitions three months. Anyone who neglects to carry out the alterations within the provided time renders himself liable to a fine. Sub-section *e* gives power to close premises where the alterations have not been properly carried out. Clause 12 of the Bill gives power to the Magistrate to order the removal of illegal structures; clause 13 deals with what shall be considered offences under this Ordinance; clause 14 provides penalties for the commission of any

of those offences; and clause 15 and the schedule deals with repeals. I shall have some amendments to propose in committee on this Bill in certain points which have occurred to me since this Bill was read a first time. With these observations I beg to move the second reading of the Bill.

The DIRECTOR OF PUBLIC WORKS—Sir, In rising to second the motion of the Hon. the Acting Attorney-General I think I may safely say that few measures have come before this Council which have received more careful thought and consideration than this before us. As in many similar cases the Bill as it now stands is somewhat of a compromise. Some of those connected with its drafting in its present form, have wished to go much farther in the provisions for admitting light and air to the crowded houses in the City, in providing for larger open spaces and consequent less over-crowding; others have been inclined to make less change in the existing order of things, which proves the aphorism that there is no relation between hygiene and money getting—Lawyers, doctors, engineers, officers of government, from their position constantly in touch with the Chinese population, and others with more or less personal interest in the matter on one side or the other, have put their heads together and the Bill as it now stands is the result of their mutual deliberations. The origin and cause of the terrible pestilence with which I fear the name of Hongkong will be for ever connected is still a mystery. Many theories are put forward and upheld for a time only to be dissipated by statistics. One of the most eminent of modern writers on sanitary subjects states: "All sanitarians are agreed that mortality and density of population are directly proportional" and in proof of this he proceeds to give very conclusive figures from the statistics of the Registrar General of England, shewing that the death rate increases in direct proportion to the number of persons to a square mile. The corrected death rate for "Urban England is 22.32 per 1,000 as against 16.95 for Rural England." In summing up the elaborate proof of the evils of overcrowding, he says finally: "Overcrowding is the greatest of all sanitary evils and far and away the greatest of all moral evils. Overcrowding is facilitated by modern methods of sanitation. Unless the crowding of houses be prevented, great schemes of sewerage and water supply will eventually make the health of a district worse instead of better. Open spaces and public gardens do not compensate for the lack of light and air in the dwelling or of curtilage around it." I have little doubt in my own mind that the ultimate predisposing cause of plague will be found to be overcrowding, and that the unenviable notoriety of our city is due to the fact that we have the densest population of any city

in the world, amounting in one district to nearly 1,400 persons per acre. The air of the more densely crowded slums of our city is foul and fetid from absence of sun and circulation; men breathe the exhalations from densely packed humanity, and what that air becomes on still, warm nights, when the streets are empty, the Praya deserted, and the whole population within the walls of the houses with doors and windows shut and secured, can be better imagined than described. Speaking of the necessity of pure air for the health of all living beings, Dr. Vivian Poore, a very eminent sanitary authority says:—"We have been long accustomed to hear that our chief sanitary necessity in this world is pure water. This would be quite true if we were fish. But it is obvious that the purity of the air we breathe is of far greater importance than the purity of the water we drink, seeing that we must take a draught of air about twenty times a minute, while many of us do not take a draught of raw water from week's end to week's end." Now, Sir, this Bill before us is undoubtedly calculated to do much to improve the present state of affairs, shafts through which some light and air can reach the back of the houses which have no lanes in the rear will be opened, while the removal of cubicles and cocklofts will permit of a freer circulation of air. It is expected that many landlords will see the great advantage of combining to open lanes between their properties. The concreting, draining, and lighting of private streets and lanes, will commend itself to all. It is much to be regretted that the first part of clause 6 was not the law in force 50 years ago. It is an extremely difficult problem now as to how overcrowding is to be abated. The lofty houses of three and four floors already built, cannot be kept empty by law, and, whatever sanitary laws may be passed, will still house a dangerously dense population per acre. The city has slowly grown to its present state and can go through no sudden metamorphosis. Without enormous expenditure on resumption of lands we can but move slowly in undoing the harm that has been done, and can only hope that the provisions of this Bill when carried into effect, will cause some abatement in the plague epidemic. I beg to second the motion of the Hon. the Attorney-General.

The Bill was read a second time and the Council went into committee to consider it clause by clause.

The ACTING ATTORNEY-GENERAL said he had some amendments to propose to clause 1 of the Bill. It seemed to him that it was not desirable to exempt the Hill District. It was thought at one time that it was not necessary to include the Hill District within the scope of the Bill but it had since come to his knowledge that there were shelters for Chinese coolies at the Peak, and therefore he did not think it would be advisable to exempt the Peak. With regard to the New Territories, which were also exempted, he might inform the Council that it was in contemplation to introduce a Bill applying to certain portions of the New Territories —

that was to say, to the district between Laichikok and Lyeemun, to the south of what was commonly known as the Kowloon range of hills —the provisions of a portion of the Health Ordinances of the colony. Therefore with regard to the New Territories he had also got an amendment to move. The Acting Attorney-General signified his amendments, one of which was to include the Peak within the scope of the Bill and the other to alter the wording as to the New Territory.

The point as to the exclusion or otherwise of the Peak from the operation of the Bill was discussed, and on the matter being put to the vote the proposed alteration was lost. Six voted for and six against, H.E. the Governor giving His casting vote against. Those who voted for the amendment were the Hon. Wei A Yuk, the Hon. T. H. Whitehead, the Hon. Dr. Ho Kai, the Captain Superintendent of Police, the Acting Attorney-General, and H. E. Major-General Gascoigne. Those who voted against were H.E. the Governor, the Hon. J. J. Keswick, the Hon. E. R. Belilios, the Harbour Master, the Director of Public Works, the Colonial Secretary and the Colonial Treasurer.

The Bill also proposed to exempt the New Territories, but it was made to read that it should not apply to the Hill District or "to any portion of the New Territories except to such portion thereof as it shall hereafter be expressly extended to by Ordinance."

The Hon. T. H. WHITEHEAD said that certain proposed amendments to the Bill had been sent to him, and as he had not gone into them thoroughly he suggested that the Bill be referred to a select committee consisting of the Attorney-General, the Captain Superintendent of Police, the Hon. Dr. Ho Kai, and the Hon. J. J. Keswick.

HIS EXCELLENCY THE GOVERNOR discountenanced this, saying that the Bill was a very important one, and he thought it would be better to thrash it out in public. He, however, said that he was in the hands of the Council, and the honourable gentleman could propose the referring of the Bill to a committee if he wished to do so.

There seemed to be no particular desire on the part of the Council to adopt the Hon. T. H. Whitehead's suggestion, and the Bill was accordingly proceeded with.

Two or three small alterations to clause 2, were suggested by the Hon. T. H. WHITEHEAD and discussed but not adopted.

With reference also to clause 2 ACTING ATTORNEY-GENERAL said that the definition of owner which appeared in the Bill was taken from the Public Health Ordinance of 1887, but he might mention that there was an

appeal now pending from the Magistrate to the Supreme Court upon this very definition in the Public Health Ordinance. He thought the decision of the Magistrate on the point was correct, but it was desirable they should not have in the Bill any definition about which there might be any dispute hereafter, and he accordingly proposed to move certain amendments.

These amendments were agreed to.

On Clause 3, which deals with cubicles, being reached,

H. E. the GOVERNOR said that this Bill had been brought forward on account of the plague epidemic. He had been making close enquiries into this question and has accumulated a certain amount of facts which had been sent to all the gentlemen of that Council and to a great many people outside in the hope that he might receive some light on the subject in the public press or elsewhere—that someone would take notice of these facts and form some opinion upon them. He was sorry he had not seen anything. He had gone into it very carefully himself. When they came to the question of sanitation there were divergent opinions. In certain quarters it was said that the height of the buildings was at the bottom of the mischief. The question of overcrowding was a very important one, and in considering the question of overcrowding they must not forget the question of cubicles. Of the cases that could be traced 60 per cent. occurred in cubicles,—and he thought that this fact should lead them to consider whether it might not be well to direct their attention very seriously to the question of cubicles. He thought they were all agreed upon the question of overcrowding. It was very important that if they could keep this down in any way they should do so, and it seemed to him that the simplest way of decreasing overcrowding would be by increasing the size of the cubicles. If they increased the size of the cubicles it would decrease the overcrowding, because a man and his family occupying a cubicle were not likely to take in any other people to sleep in during the night. The cubicle was practically the private place where the man and his wife lived, and for them to practically live in a place eight feet square was not sufficient.

The ACTING ATTORNEY-GENERAL—The remedy would be either to increase the size of cubicles or limit the number of occupants.

His EXCELLENCY THE GOVERNOR said they might talk about limiting the number of occupants, but if there were a man and his wife and say three children they would all be in the same cubicle; the children would not be sent elsewhere, but if they increased the size it would not be necessary to think about sending them elsewhere.

The COLONIAL SECRETARY—The Sanitary Board have the greatest difficulty in checking the number of cubicles. What they do seem to indicate is that it would be wise to insist upon a larger floor space.

His EXCELLENCY THE GOVERNOR—We have a solid possibility of doing something here which may have the result of reducing surface crowding.

The CAPTAIN SUPERINTENDENT OF POLICE said it was quite true the curse of this town are the cubicles. There was cubicle overcrowding although there might be no overcrowding on the floor taken as a whole.

The HARBOUR MASTER said that with a height of room of 12 feet the propered cubicle would have 768 cubic feet of space and it might interest them to know that in the late case of the *Tartar* there were 12 people in the same space as such a cubicle, and that gave them a sort of notion of what space people could live in.

His EXCELLENCY THE GOVERNOR said they were trying to make things so sanitary that they might have some decrease in the plague. Twelve times 64 would give 768 cubic feet, and 768 cubic feet of air for two people only gave 384 cubic feet for one, and he thought that if a visiting justice of Victoria gaol found only 384 cubic feet of air for each person some one would hear a great deal about it.

The CAPTAIN SUPERINTENDENT OF POLICE answering a question, said the allowance per prisoner in Victoria Gaol was 650 cubic feet of air space. He added that he understood that His Excellency's suggestion was to increase the size of the cubicles and in that way diminish the overcrowding.

His EXCELLENCY the GOVERNOR said yes, and his reason for that was the Chinese family which inhabited a cubicle would still be the Chi-family which occupied the larger cubicle. In looking into the figures, he found of 1,377 cases recorded 861 were males, 546 females, 985 were adults and 392 children, and of these children 170 were males and 222 females. There had been an enormous proportion of females attacked by the disease, or people who had been in the house all day, and it seemed to him they ought to devote their attention to these cubicles and give them more space.

The HARBOUR MASTER.—If we increase the size of the cubicles we cannot guarantee that they will not be overcrowded.

The DIRECTOR OF PUBLIC WORKS said these cubicles were occupied by people who earned \$6 or \$8 a month, and if a cubicle was made larger the landlord would raise the rent, already out of proportion to such wages.

His EXCELLENCY THE GOVERNOR said there was nothing they could do to make a change in the condition of life which would not increase the cost of living. He added that the question was an important one, and suggested that the further discussion of the Bill should be postponed to give the members the opportunity of considering the different clauses with the view to bringing forward suggestions.

This suggestion was agreed to, and the COUNCIL resumed.

THE RATING BILL.

The Council went into committee on the Rating Bill, and two or three small alterations were made.

The Council adjourned until Tuesday next.

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FINANCE COMMITTEE.

A meeting of the Finance Committee was held after the Council meeting, the Colonial Secretary presiding.

WATER ACCOUNT.

A recommendation of His Excellency the Governor to vote a sum of \$2,000 in aid of the "Water Account" (Meters, etc.) was agreed to.

THE ESTIMATES.

The Appropriation Bill was considered, the various items of estimated expenditure being taken one by one.

Answering the Hon. T. H. WHITEHEAD, who had mentioned the Police Department.

The CAPTAIN SUPERINTENDENT OF POLICE said that provision was made in the estimates for 1900 for 41 additional European police including four inspectors and 17 sergeants and lance-sergeants; 140 Indian police, 58 Chinese land police, 38 water police, and

12 interpreters. There had already been opened stations at the following places:—Kowloon City with a subsidiary station at Kowloon and Shatin Gap; Shatin; Taipo; Starling Inlet; Kat O; Fu Ti-au; Un Loong; Pingshan; Taiho, with subsidiary station at **T 117** Ching; Cheung Chau; and Yeung Shu Wan, the last-named being a subsidiary station to Aberdeen. It was intended next year to open stations at Saikung and Tsun Wan, making 15 stations next year.

On the item as to the Medical Department being reached.

The ACTING ATTORNEY-GENERAL observed that he thought it very necessary that there should be an Assistant Medical Officer of Health in the colony.

The CHAIRMAN said the fact of provision for an Assistant Medical Officer not having been made in this year's estimates did not imply that that officer was not to be appointed. The estimates were prepared before the recommendation was received from the Sanitary Board so that it was too late to insert it in this year's estimates. The question was still under consideration, and in any case it would have to be submitted to the Secretary of State for the Colonies for his approval if it was decided to recommend the appointment.

On the items under the head "Public Works Extraordinary" being reached.

The Hon. T. H. WHITEHEAD suggested that they should be postponed for a fortnight, as the unofficial members of the Council would like to consider them further.

The CHAIRMAN agreed to this and the meeting terminated.

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