

4<sup>TH</sup> JUNE, 1902.

PRESENT:—

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT, Major-General Sir W. GASCOIGNE, K.C.M.G. (Commanding the Troops).

Hon. F. H. MAY (Colonial Secretary).

Hon. A. G. WISE (Acting Attorney-General).

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

Hon. Commander R. M. RUMSEY, R.N. (Harbour Master).

Hon. W. CHATHAM (Director of Public Works).

Hon. F. J. BADELEY (Captain Superintendent of Police).

Hon. Dr. HO KAI.

Hon. WEI A YUK.

Hon. C. S. SHARP.

Hon. C. W. DICKSON.

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

NEW MEMBERS.

Mr. F. J. Badeley and Mr. C. W. Dickson took their seats as members of the Council.

FINANCIAL.

The COLONIAL SECRETARY laid on the table Financial Minutes (Nos. 18 to 22) and moved that they be referred to the Finance Committee.

The COLONIAL TREASURER seconded, and the motion was carried.

The COLONIAL SECRETARY submitted the Report of the Finance Committee (No. 5) and moved its adoption.

The COLONIAL TREASURER seconded, and the motion was carried.

QUESTIONS.

HIS EXCELLENCY—Will any gentlemen now take the opportunity of asking the questions that stand in Mr. Whitehead's name?

Mr. C. S. SHARP—The hon. representative of the Chamber of Commerce has asked me, with your Excellency's permission, to put the questions standing in his name.

1.—PROPERTY RESUMPTION AND COMPENSATION.

Will the Honourable the Colonial Secretary endeavour to obtain from the Indian Government a statement or return showing (1) the conditions on which house properties, sanitary and insanitary, and land have recently been resumed in Bombay and elsewhere in India; (2) the basis on which the values of house property and land were arrived at; and (3) the basis on which the compensation paid for resumed properties and land has been arrived at; and in due course communicate the information to the Council if the Honourable Member is not now in a position to furnish the required particulars?

The COLONIAL SECRETARY—The answer to the first question is that this information has been requested from the Indian Government and will be furnished to the Council when received.

2.—HOUSE ACCOMMODATION—SUBORDINATE OFFICIALS.

Will the Honourable the Colonial Secretary inform the Council whether the Government will take into consideration the desirability and expediency of adequately providing for the decent housing of the subordinate officials and employees of the Public Works, Harbour, and Sanitary Departments, and report to the Council?

The COLONIAL SECRETARY—The answer to question No. 2 is that this matter is still under consideration.

3.—MAP OF ROADS AND STREETS.

In anticipation of Government being asked to expose for sale Crown land in Hongkong and in British Kowloon or to grant leases of land in the New Territory, and with a view to safeguarding against a repetition of the state of affairs in respect of roads, lanes, and buildings as that which now exists in Hongkong and Kowloon, will the Honourable the Director of Public Works inform the Council whether a clearly and well defined map, showing roads and streets of adequate width, has been or will be prepared; (2) whether such map will in due course be submitted to this Council; (3) when approved whether the same will be recorded officially and shall not be departed from without the sanction of the Council; and (4) whether a copy of such map will be deposited in the office of the Sanitary Board for the information and guidance of the Board's officers?

Hon. W. CHATHAM—This Government recognises the value of the suggestion contained in the question, but in view of possible difficulties can only promise at present that the matter will receive full and early consideration. The result will be communicated to the Council in due course.

4.—STREAMS, NULLAHS, AND WATER-COURSES.

Will the Honourable the Director of Public Works inform the Council whether the Government will lay down a rule or regulation to come into force on an early date to be notified, to the effect that all streams, nullahs, and water-courses in Hongkong and in British Kowloon, the property of the Crown, shall be retained as Crown property, together with a margin of 50 feet on either side from the centre line of the stream or nullah now Crown property, and that the said margin of 50 feet shall not be granted or devised without the sanction of this Council, and that the same regulation where practicable shall apply in respect of streams, nullahs and water-courses in the New Territory leased by the Government of China to the British Government?

Hon. W. CHATHAM—This Government recognises the importance of reserving all stream-courses and nullahs, wherever practicable. In the case however, of some, it is impracticable and it is therefore undesirable to lay down any such rule as that proposed.

## 5.—WATER-SUPPLY.

In consequence of the daily diminishing supply and of the fact that the water is now only turned on in the City one hour per day, will the Honourable the Director of Public Works inform the Council whether the Government will take into consideration the advisability of immediately increasing the number of water stations along the Praya so as to give an increased supply of water and in some measure alleviate the inconveniences and sufferings of those concerned?

Hon. W. CHATHAM—With regard to No. 5, I may say that the reply was applicable at the time the question was put, but both question and answer are now somewhat incongruous. The answer is that the Government are taking every step to render the distribution of water easy throughout the City.

## 6.—INCREASED WATER-STORAGE.

Will the Honourable the Director of Public Works inform the Council whether the Government has taken the necessary measure to temporarily provide, if it be possible to do so in the time now available, for an adequate or additional water-storage capacity should there be a short rainfall this season, so as to safeguard the ratepayers and the people from again next year suffering the inconveniences and evils arising out of a water famine, and state how much additional water-storage has been provided, if any, since the 1st of January this year, and how much additional storage it is estimated will be provided between now and 31st January, 1903?

Hon. W. CHATHAM — Work is now in progress for the construction of another storage reservoir at Tytam, which will probably be, to some extent, available by the 31st January, 1903. The full capacity of the reservoir will be about 30 million gallons. The experience of 1900 has shown that it is of greater importance to increase the drainage area in order to take full advantage of the existing storage capacity of the reservoirs, which were not filled during that year. With this object, a catch-water has been constructed along the south slopes of Mount Cameron, intercepting a drainage area of about 150 acres. The stream, which will be impounded by the reservoir now under construction at Tytam, has been diverted into the gauge-basin rendering available a further area of about 30 to 40 acres for catchment purposes. Small channels, to render available the dry-weather flow of the streams intercepted by the existing catchwaters, are also in course of construction.

## PAPERS.

The COLONIAL SECRETARY laid on the table Mr. Osbert Chadwick's Report on the water supply of Hongkong, mainly with regard to the full development of supply from the Taitam-tuk Valley; the Report of the Registrar-General for 1901; the Returns of the Subordinate Court for 1901; the Report on the Post Office for 1901; and the Report of the Po Leung Kuk Society for 1901.

## KOWLOON WATERWORKS.

The COLONIAL SECRETARY also submitted a paper dealing with the Kowloon Waterworks Gravitation Scheme. It contained a communication from the Rt. Hon. J. Chamberlain approving of the scheme being carried out in the manner suggested by Mr. Chadwick. Mr. Chadwick in his report stated that he approved of the extended scheme, which would afford a larger supply than that originally proposed by Mr. Gibbs in 1900. The now proposed reservoir was to contain 310 millions of gallons, "so that, according to Hongkong experience, it should suffice to maintain the desired supply."

## FIRST READINGS.

The following Bills were submitted by the ACTING ATTORNEY-GENERAL and read a first time:—A Bill entitled An Ordinance to amend The Marriage Ordinance (14 of 1875); a Bill entitled An Ordinance to release certain premises situate at Victoria in the Colony of Hongkong from a Settlement dated the 31st day of March, 1884, and made between Meyer Elias Sassoon of the one part and Frederick David Sassoon, Edward Elias Sassoon and the said Meyer Elias Sassoon of the other part; a Bill entitled An Ordinance for the Naturalisation of Ku Fai Shán, alias Ku Ting Kwong, alias Ku Pak Tai, alias Ku Chong Tsung, alias Ku Yuk Tsing; a Bill entitled An Ordinance to provide for the incorporation of the Church Body of the Chinese Anglican Church in Hongkong; a Bill entitled an Ordinance to provide for and regulate the supply of water in the Colony of Hongkong and for the maintenance and repair of the works in connection therewith; and a Bill entitled an Ordinance to further amend the Pawnbrokers Ordinance (No. 3 of 1860).

## CROWN LEASES.

The ACTING ATTORNEY-GENERAL proposed the second reading of the Bill entitled An Ordinance to exempt certain Crown Leases and Agreements for Crown Leases, and Permits granted by the Crown, from the operation of sections 3 and 4 of the Foreshores and Sea Bed Ordinance, 1901. He said—The purpose of the Bill is fully explained in the objects and reasons, which are as follows:—Since the earliest days of the Colony, it has been the practice for the Crown to erect and maintain, and to grant permission to erect and maintain, piers over the Crown foreshore (including the sea bed) in cases in which the Governor has deemed such erection

and maintenance to be expedient and proper. Care has, of course, been taken in so doing to avoid interfering with any special rights of access to, and regress from, the sea, claimed by Marine lot owners. In a large commercial port like Hongkong, such piers are necessary in order to afford proper facilities for commerce and passengers. When such piers are of ordinary dimensions and the Harbour Master has reported that they are unobjectionable so far as the requirements of harbour navigation, etc., are concerned, no one ever suggested, before the passing of the Foreshores and Sea Bed Ordinance, No. 21 of 1901, that any public rights of navigation or fishing are substantially interfered with, even assuming them to exist. The Law of England was, by Ordinance No. 6 of 1845, section 4, introduced into this Colony "except where the same shall be inapplicable to the local circumstance of the said Colony or of its inhabitants" and, rightly or wrongly, it has never been understood that public rights of navigation and fishing existed of such a kind as to render the erection of a pier sanctioned by the Crown a public nuisance interfering with such rights. The wording of the Foreshores and Sea Bed Ordinance, 1901, has, however, given rise to doubts as to the legality of permitting the erection and maintenance of piers, unless the preliminary requirements of that Ordinance have been complied with. This has occasioned much public inconvenience. Where a lease of the actual soil of foreshore and sea bed becomes necessary, as for instance, for a wharf of solid masonry, it may be practicable to comply with the requirements of that Ordinance. But in the case of ordinary piers the only thing granted and demised is "the right of erecting and maintaining a pier in, upon, over, across, and above, so much of the Crown foreshore and Crown land covered with water, situate at ..... as is shown on the plan hereunto annexed and thereon coloured red" (see ordinary printed form in use). Here it would seem strange to insert a covenant, for instance, "reserving to the Crown all mines and minerals under the demised lands," see section 4 (s-s. iii) of Ordinance 21 of 1901, especially as no lands are actually demised. Yet this is required, if the Foreshores and Sea Bed Ordinance applies to such piers. It was only quite recently that the Pier question was supposed to be settled by Ordinance No. 37 of 1899, as amended by Ordinance No. 17 of 1900, and it was not intended to affect that settlement by the Foreshores and Sea Bed Ordinance. It appears, therefore, to be best, in the interests of the Colony, to provide that such Ordinance shall not be deemed to extend to cases where only the right of erecting and maintaining a pier or wharf in, upon, over, across, and above, Crown foreshore and Crown land covered with water is granted or demised, and that it shall not apply in any case where, in the opinion of the Governor in Council, no substantial interference with public rights of navigation or fishing is likely to result from a demise of Crown foreshore or sea bed.

The COLONIAL SECRETARY seconded, and the motion was carried.

The Council then went into Committee on the Bill. On resuming,

The Bill was read a third time and passed, on the motion of the ACTING ATTORNEY GENERAL, seconded by the COLONIAL SECRETARY.

#### WIDOWS AND ORPHANS' PENSION FUND.

The ACTING ATTORNEY-GENERAL proposed the second reading of the Bill entitled An Ordinance to amend the Law relating to the Widows and Orphans' Pension Fund Ordinance (15 of 1900). He said—This Ordinance is to provide for officers drawing salaries in sterling. If there are any questions to be asked I have no doubt the Hon. Colonial Treasurer will answer them, but I may say at once that this amendment was made in accordance with instructions from home.

The COLONIAL SECRETARY seconded, and the motion was carried.

The Council then went into committee on the Bill. On resuming,

The Bill was read a third time and passed, on the motion of the ACTING ATTORNEY-GENERAL, seconded by the COLONIAL SECRETARY.

#### NATURALISATION BILL.

The ACTING ATTORNEY-GENERAL proposed the second reading of the Bill entitled An Ordinance for the Naturalisation of Ho Ngok Lan, alias Ho Ngok, alias Ho San Lam.

The COLONIAL SECRETARY seconded, and the motion was carried.

The Council then went into Committee on the Bill. On resuming,

The Bill was read a third time and passed on the motion of the ACTING ATTORNEY-GENERAL seconded by the COLONIAL SECRETARY.

#### RENTS IN NEW TERRITORY.

The ACTING ATTORNEY-GENERAL proposed the second reading of the Bill entitled An Ordinance to facilitate the hearing and determination of claims to rent in respect of land in the New Territories. He said—It came to the notice of my *locum tenens*, the Acting Puisne Judge, that with regard to the New Territory there was a great difficulty in settling small rent claims before the Summary Court. Most these of were under \$10; in fact, the majority were under \$7. When the parties had to come from Lantau and districts like that there was a heavy charge entailed. The Acting Puisne Judge thought it was unfair and in fact a grievance, and accordingly drafted this Bill. It is to take away the jurisdiction of the Summary Court in small claims and confer it upon the Land Court. Personally, from a lawyer's point of view, I thoroughly agree with it. It saves the tenant expense and he is safeguarded by having the right of appeal to

the Full Court. The Bill is based on the ordinary routine of the Courts here for collecting and recovering rents.

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

The Council then went into Committee and considered the Bill clause by clause. On resuming,

The Bill was read a third time and passed, on the motion of the ACTING ATTORNEY-GENERAL, seconded by the COLONIAL SECRETARY.

At the suggestion of Hon. Dr. Ho Kai, it was agreed to print an epitome in Chinese of the Bill for distribution among the Chinese.

DANGEROUS GOODS.

The ACTING ATTORNEY-GENERAL said that the Bill entitled An Ordinance to further amend the Law relating to Dangerous Goods was unsatisfactory, though it had passed its first reading and was now down for its second reading. He wished to have it amended, and would bring it in again for first reading. There was no immediate hurry for it.

The withdrawal of the Bill was agreed to.

The Council adjourned *sine die*.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held immediately after the Council, the Hon. Colonial Secretary (Mr. F. H. May) presiding.

THE VOLUNTEER COMMANDANT.

The Officer Administering the Government recommended the Council to vote a sum of \$6,149 12s. in aid of the vote "Expenses of Volunteers," to cover the salary and house allowance of Major C. G. Pritchard, Commandant, Hongkong Volunteer Corps, from 2nd April to 31st December, 1901, inclusive.

Abstract.

Half salary, 2nd to 7th April, 6 days, £6 5s. 0d. at 2/0 $\frac{7}{32}$ per dollar, .....	\$ 61.94
Full salary, 8th to 30th April, 23 days, £47 18s. 4d. at 2/0 $\frac{7}{32}$ per dollar, .....	474.48
Full salary, May to December, 8 months, at £62 10s. 0d. per month, £500 at 2/0 $\frac{7}{32}$ per dollar, .....	4,954.84
House allowance, 8th to 30th April, at \$75 per month, .....	57.50
House allowance, 8 months, at \$75 per month, ...	600.00
Total .....	\$6,149.12

The CHAIRMAN—This vote is necessitated by the appointment of a Commandant—a military Commandant—of the Volunteers. The arrangement was not made in time to include the necessary vote in the Estimates for this year, so this vote is now submitted to you.

Hon. R. MURRAY RUMSEY—Can you tell us whether this officer draws military pay as well as this?

The CHAIRMAN—He draws no military pay.

Hon. R. MURRAY RUMSEY—It seems rather a large

amount. It is equal to the salary of a great many heads of departments in the Government service; in fact, it is above it. He gets more than I do.

Hon. F. J. BADELEY—Oh, no.

Hon. R. MURRAY RUMSEY—Oh yes; he gets over \$6,000 in eight months, and I have \$6,000 in twelve months.

Hon. F. J. BADELEY—He doesn't get compensation.

Hon. R. MURRAY RUMSEY—I should think not.

The CHAIRMAN—His salary is £750 a year and his house allowance \$900 a year. I believe that is the pay of a military officer of that rank, including colonial allowance. I agree with you that they are very well paid.

Hon. R. MURRAY RUMSEY—I think it is very extravagant,

Hon. C. S. SHARP—Can you tell me how you fix the exchange? I see it is down here at 2s. 7/32d.

COLONIAL TREASURER—If we make it 1s. 8d. there will be more dollars.

Hon. C. S. SHARP—Yes, but how is the exchange fixed?

COLONIAL TREASURER—An average is taken on the previous year.

The vote was put to the Committee and agreed to.

CORONATION CONTINGENT EXPENSES.

The Officer Administering the Government recommended the Council to vote a sum of \$29,629.63 to meet the estimated expenses to be incurred by the Coronation Contingent of the Hongkong Volunteer Corps.

The vote was agreed to.

NEW FIRE-HOSE.

The Officer Administering the Government recommended the Council to vote a sum of \$2,410 to cover the cost of 4,000 feet of 2  $\frac{3}{4}$ -inch "Rob Roy" canvas fire-hose, and 500 feet of Merryweth's 4-inch "Dub-Sub" canvas hose, for the use of the Fire Brigade.

The CHAIRMAN—This extra hose has been rendered necessary by the great wear and tear in the hose during the long drought we have just passed through, necessitating a new supply.

The vote was agreed to.

PUBLIC WORKS.

The Officer Administering the Government recommended the Council to vote a sum of \$131,500, in aid of the following votes:—

PUBLIC WORKS, ANNUALLY RECURRENT EXPENDITURE.

(1.) Maintenance of Water-works, City and Hill District .....	\$ 48,000.00
(2.) Maintenance of Roads and Bridges in City .....	25,000.00
(3.) Water-works, Miscellaneous .....	15,500.00
(4.) Drainage Works Miscellaneous .....	23,000.00
(5.) Forming and Kerbing Streets .....	20,000.00
Total .....	<u>\$131,500.00</u>

The CHAIRMAN—If members want any information about these items, the Director of Public Works will furnish it.

The ACTING ATTORNEY-GENERAL—This is an additional vote I suppose?

Hon. W. CHATHAM—I may say, sir, that the first item is principally on account of the recent drought, for making provision for the special measures which were adopted to bring water from the mainland and from o'her sources to supply the wants of the City. The next item arises out of the fact that very great complaints were made about the condition into which the principal roads in the City had got during last year, and that very exceptional measures have been adopted to get them into a proper state of repair. The amount also includes the cost of a new steam-roller got out from home and charged to this vote.

The ACTING ATTORNEY-GENERAL—First of all it fell into the road? (Laughter.)

Hon. W. CHATHAM—There was a mishap with one of the rollers, but not the one now referred to. As to "Waterworks Miscellaneous," that is partly on account of the recent drought. Some of the measures adopted in connection with increasing the water supply were of a permanent nature and therefore

chargeable to this vote instead of to the ordinary maintenance vote. With regard to "Drainage Works Extraordinary," that is largely on account of the great land sales which took place during the last couple of years and the large extensions going on everywhere, especially in Kowloon, where it has been necessary to train large nullahs and construct other works of that nature and to provide for drainage of houses on isolated and other sites. As to the expenditure on account of new streets, the great extensions in the Colony have necessitated very extensive works of this nature. In many cases lots have lain fallow for years and have only recently been developed; and in accordance with the plans under which these lots were sold and leased the Government were bound to make the roads. When the people began to build upon their lots, Government had to fulfil their obligations.

The vote was unanimously approved.

GOVERNMENT PAVILIONS.

The Officer Administering the Government recommended the Council to vote a sum of \$64, being a grant for a Custodian at the Government Pavilions, for 8 months of the current year at the rate of \$8 per mensem.

The vote was unanimously approved.

The Committee adjourned.

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