

27<sup>TH</sup> NOVEMBER, 1902.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR HENRY A. BLAKE,  
G.C.M.G.

HIS EXCELLENCY SIR W. GASCOIGNE, K.C.M.G.  
(Commanding the Troops).

Hon. F. H. MAY, C.M.G. (Colonial Secretary).

Hon. Sir HENRY SPENCER BERKELEY, K.T. (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. Dr. F. W. CLARK (Medical Officer of Health).

Hon. Dr. HO KAI, C.M.G.

Hon. WEI A YUK.

Hon. C. S. SHARP.

Hon. C. W. DICKSON.

Hon. G. W. F. PLAYFAIR.

Hon. R. SHEWAN.

Mr. C. CLEMENTI (Acting Clerk of Council).

## FINANCIAL.

The COLONIAL SECRETARY laid on the table Financial  
Minutes (Nos 62 and 63), and moved that they be referred  
to the Finance Committee.

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

## GUARANTEED OFFICERS.

Hon. G. W. F. PLAYFAIR asked:—Whether the  
Government intend to require all Officers who require to be  
guaranteed above the status of Unpassed Cadets to be  
guaranteed by an approved Guarantee Society instead of  
being guaranteed as at present by private individuals?

The COLONIAL SECRETARY replied in the negative.

## THE INTERMITTENT WATER SUPPLY.

Hon. Mr. PLAYFAIR asked:—Would the Director of  
Public Works give some explanation of the inequalities of  
the intermittent system—why very many houses, which  
ought to get the full supply for the advertised period, get  
little or no water and even that little at a most insufficient  
pressure? Also, what steps, if any, are being taken to  
remedy this state of affairs?

The DIRECTOR OF PUBLIC WORKS—Sir, I beg to lay on the  
table the report of an inspection made in consequence of  
complaints received of an inadequate supply of water. The  
report contains information as to the cause of the  
complaints as ascertained by inspection. In cases where the  
house services are inadequate or defective in various parts  
of the City, public fountains are being erected to enable the  
people to obtain a supply of water.

## INCREASING THE WATER SUPPLY.

Hon. C. S. SHARP asked:—Will the Honourable Director  
of Public Works inform the Council—(1) What works are  
now actually in progress in connection with the scheme for

increasing the water supply of the Colony—at Tytam? at  
Tytam Tuk? (2) What will be the addition to the water  
supply of the Colony from these works when they are  
completed, and what quantity will be available from them  
during the winter of next year, in the event of there being at  
least a normal rainfall during next year?

The DIRECTOR OF PUBLIC WORKS—(1) At Taitam the  
construction of a reservoir below the byewash, capable of  
containing about 30 million gallons, is in progress. At  
Tytam Tuk, preliminary works are in progress to determine  
the practicability of constructing a dam capable of  
impounding about 1,200 million gallons. Tenders have  
been received for a pumping engine capable of delivering  
1  $\frac{1}{4}$  million gallons daily into the tunnel at Tytam. (2) The  
first part of the question is answered in the above. With  
regard to the second part, though the permanent works  
cannot be sufficiently advanced to be available by the  
winter of next year, it is anticipated that a supply of about  
100 million gallons will be obtained by pumping from  
Tytam Tuk.

## FIRST READINGS.

The following Bills were read a first time on the motion  
of the ATTORNEY-GENERAL seconded by the COLONIAL  
SECRETARY:—A Bill entitled an Ordinance to amend The  
Widows and Orphans' Pension Fund Amendment  
Ordinance, 1902 (No. 12 of 1902); a Bill entitled an  
Ordinance to further amend The Rating Ordinance, 1901; a  
Bill entitled an Ordinance to amend The Chinese Hospital  
Incorporation Ordinance, No. 3 of 1870; a Bill entitled an  
Ordinance to repeal Ordinance No. 5 of 1902.

## EMPLOYERS AND SERVANTS.

The ATTORNEY-GENERAL moved the second reading of  
the Bill entitled an Ordinance to amend the law relating to  
employers and servants. He said—The reasons for the  
introduction of this Bill and the necessity for its being  
passed into law were, I think, obvious to the general  
community before the Government introduced the Bill  
itself. The general complaint since I have been here—  
which is not long, only some months now—and the  
complaint which, I believe, had been prevalent long  
previous to that, was that great inconvenience had been  
experienced by employers and a great loss inflicted upon  
them from time to time by servants who after making legal  
engagements for service refused to enter upon that service,  
the employers being left with practically no remedy in  
these cases because the persons against whom a remedy  
was required were persons against whom it was of no  
value to proceed, and in a position of life that would make  
it a loss of time and money to enforce a civil remedy—  
damages for breach of contract. It was felt generally that

s o m e t h i n g

should be done and indeed the Government were indirectly asked to consider whether the time had not arrived when the provisions of the laws in force in other parts of the world should be brought into force; and that persons of that class generally known as servants should be summarily dealt with, by a Magistrate, for breaches of the character described. Well, the Government took the matter into consideration and the result was this Bill. The Bill deals servants absenting themselves without leave, careless or negligent performance of work, insolence and other unbecoming conduct. The Bill proposes a summary remedy to employers in all the cases I have mentioned. At the same time the Bill provides amply for the protection of the servant in the performance of his duty, provision being made that he shall be properly treated by his master during the time he is in his service. The Bill does not affect in any way the ordinary law as to the right to dismiss summarily for special cause described generally as misconduct. It leaves the master the right to terminate the engagement if such cause arises and it leaves the servant to question the propriety of his dismissal. The Bill is supplementary to the existing law of the land. It provides a summary way for the servant to obtain his rights from his master and a summary way for the master to enforce good conduct by his servant.

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

The Council then went into Committee on the Bill and considered it clause by clause.

The third reading was not taken.

LIGHTS TO BE CARRIED BY JUNKS.

The ATTORNEY-GENERAL—I beg, sir, to move the second reading of the Bill entitled an Ordinance with reference to collisions between junks and ships. This Bill was drafted a long time ago—seven months ago—by my predecessor in office, and the reasons giving rise to the necessity for such a Bill are clearly set forth by him in the objects and reasons appended to his draft. No doubt hon. members have already read these objects and reasons, and if they have done so they cannot but concur with the reasons given, and agree that the object intended to be achieved is a good one. It was found that in questions of collision before the courts, Chinese junks and ordinary shipping were placed on a very unequal footing, and this Bill is designed to place them on the same footing with respect to lights. The late Attorney-General, in dealing with that matter, said:—"Although the Legislature of this Colony cannot compel the observance of the International Rules concerning lights by junks outside the territorial waters, there can be no injustice in refusing to allow successful resort to the Colonial Court by junks neglecting to carry proper lights themselves, while claiming damages for a collision with some ship which is subject to the International Regulations. Often, in such cases, the collision would never have occurred had the junk carried lights indicating, even in the smallest degree, the course she was taking. Not infrequently evidence is

adduced to show that no light at all was visible on the junk except perhaps just immediately before the collision, when a lantern was suddenly hoisted." The principle of the Bill, put shortly, is to put junks and other shipping upon an equality before the Courts. I beg to move the second reading.

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

The Council then went into Committee on the Bill and considered it clause by clause.

On the Council resuming, and no alterations having been made, the Bill was read a third time and passed.

Mr. SHARP pointed out that under the local Merchant Shipping Act junks were bound to carry a white light only in the waters of the Colony and suggested that either the side-lights should be made compulsory in the waters of the Colony or that the Bill should be amended so as to require the one white light outside the Colonial waters.

The COLONIAL SECRETARY remarked that it would be time enough to consider whether to make the side-lights compulsory in the waters of the Colony when it was seen whether the Bill, when enacted into law, had the effect of inducing junks outside the territorial waters to carry the side-lights. He expressed the opinion that no such effect would follow. He pointed out that the Bill did not aim at making any lights compulsory but provided only that junks which did not comply with the International Regulations regarding lights could not claim in the Courts of the Colony in collision cases.

NEW TERRITORIES BILL.

The ATTORNEY-GENERAL in moving the second reading of the New Territories Titles Ordinance said—The object of this Bill is to provide a system of land tenure for the New Territory exclusive of New Kowloon. In the Territories outside New Kowloon there are a large number of small holdings, the majority of them exceedingly small. I understand they run into something like quarter of a million. At the time the Territory was taken over these holdings were held by a system of patriarchal origin. It has been considered by those who have had the Territory under their immediate administration that the state of society in that part does not fit the people at present for the introduction of a technical system of English Real Property Law. They considered it would be better to introduce a system simple, effective and cheap, something that the people could easily understand and, and that can be cheaply administered. Recognising the patriarchal system under which land is held there

the Bill provides that the land-holder will be treated as a customary land-holder. Dealings with customary land by transfer or by way of charge and its transmission by inheritance are regulated by means of a system adapted from that in force in Australia, known as "the Torrens Systems." Persons taking up land from the Crown in the New Territories may at their option become customary land-holders or they may obtain a Crown lease and come under the general law of the Colony.

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

The ATTORNEY-GENERAL then moved that the Bill be referred to the Law Committee.

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

NATURALISATION OF ALIENS.

The ATTORNEY-GENERAL in moving the second reading of the Naturalisation of Aliens Bill said—This Bill has been introduced for the purpose of obviating the necessity of constant recourse to this Legislature for the naturalisation of aliens. At the present moment it is necessary each time we desire the naturalisation of an alien to come before the Council with a special bill. Hongkong is one of the few places where that necessity still exists in the British Empire.

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

The Council then went into Committee on the Bill.

Some discussion ensued on a suggestion by Hon. R. Shewan that if a naturalised alien absented himself from the Colony for over 12 months at a time his certificate should be cancelled, but His Excellency the Governor and other members pointing out that Chinese gentlemen, naturalised British subjects, were frequently absent from the Colony for three or more years, Hon. Mr. Shewan said he would not press his amendment in view of the expression of opinion by official members.

It was brought to the notice of the Committee that no provision was made in the Bill for the notification of the granting or for the surrender of the naturalisation certificate, and the Bill was accordingly left in Committee stage for further consideration.

THE PUBLIC HEALTH AND BUILDINGS BILL.

The ATTORNEY-GENERAL—I beg to move the second reading of the Public Health and Buildings Ordinance, which was read a first time at last meeting of this Council. The subject matter of this Bill has been before the public

for such a very long time that it is hardly necessary for me to say anything at all in asking the Council to read this Bill for the second time, and the principle which is involved in the Bill, namely, the improvement of the sanitary condition of the Colony, is one which must so obviously commend itself to the Council that again it is hardly necessary for me to say anything in introducing the Bill. Still the Bill is of such importance to the public generally and fraught with such advantages if it is passed in the shape in which it is now presented that I think it will be interesting and I am sure instructive if I gave a short history of the reasons which have led the Government to present the Bill in the shape in which it now is. As long ago as 1896 the Sanitary condition of the town having before that attracted very serious attention on account of the ravages of the plague in years previously and also that year, in 1896 Governor Sir Wm. Robinson appointed a Commission to enquire into and report upon the insanitary condition of properties in Hongkong, how such insanitary conditions might be improved, and by whom such improvements should be carried out; that is to say at whose cost the improvements should be effected. On that Commission there sat the then Colonial Secretary and Sir Paul (then Mr.) Chater, a member of the Council; Mr. T. H. Whitehead, then also a member of the Council; and there were Mr. (now Sir) Thomas Jackson, and Mr. Ede. The Commission was appointed in 1896, and reported in 1898. The Commissioners reported that there were many insanitary properties in the Colony and dwellings which in their then condition were "unfit for human habitation"; that in a number of the houses the back portions were "dark, all ventilated, extremely dirty and in some cases were dens of filth." With respect to the means whereby the improvement of this undesirable state of things should be effected the Commissioners recommended among other things that in houses fronting streets less than 15 feet wide no cubicles should be allowed on ground floors. Two of the Commissioners, Messrs. Whitehead and Ede, were of opinion that in such cases cubicles should be prohibited altogether and that no cubicles should be permitted on any floors that had not a window opening directly out into the external air of not less than  $\frac{1}{10}$  of the floor space; that in certain cases specified the owner should be "compelled to alter the construction of his house" so as to provide an open space at the back of not less than 40 square feet; that certain other structural alterations should be made by owners of houses; and that owners of private streets and lanes be required at their own expense to surface channel and light such streets and lanes and maintain them in a sanitary condition. These were the drastic recommendations made by the Commission. The Commissioners then declared that there was "no need for the resumption of these (insanitary) properties," being of opinion that the alterations and improvements which they recommended would render the greater part of the houses "fit for

habitation." In their opinion Government would only be called upon to resume where the owners could not be got to agree upon a combined plan for improvement or where the lots "are so small and the buildings on them of such dimensions that to make the needful improvements in them as they stand would leave the existing houses more or less useless for all practical purposes." Concluding their very valuable report the Commissioners state it to be their opinion *iter alia* that it is unnecessary for the Government to resume insanitary properties generally and that insanitary properties should be improved in the manner recommended in the report and that such improvements should be carried out by the owners at their own cost." failing which "they should be carried out by the Government and the owners called upon to refund the cost." That was the opinion deliberately expressed by the Commission. Mr. Danby who is of eminent character and good standing in this Colony, examined before the Commission, gave it as his opinion that there were a great number of dwellings in the City so insanitary as to be unfit for human habitation. In answer to Sir Thomas Jackson he said "There are a lot of cubicles in the Colony now which I would not allow—I do not understand why they are allowed to be there." That is very important, I think. Then you should give consideration to the next forcibly expressed opinion of Mr. Danby, a man well able to form an opinion on the subject with which he was dealing. In answer to the Chairman he stated: "If you do away with cubicles on all the floors you depreciate the value of the property. I take it the owner would lose from \$1 to \$1.50 on each house. Supposing he had a house of three storeys he would lose the value of the cubicles on each of the floors; he would probably lose \$1 or \$1.50 or even \$2." Well, sir, the Commission having reported, the fate which not infrequently comes to subjects which are sent to special Commissions for report overtook this subject; nothing was done and it was not possible at the time to do anything. However that may be, the feeling of the community seemed to be that something should be done, and in the year 1901 there was a petition addressed to the Secretary of State for the Colonies which was very largely signed—by all the unofficial members of the Council except the Chinese members—and signed. I think, by every architect in the place. That petition dwelt in language which in many cases it was impossible to say was too strong on the great danger which this insanitary condition of Hongkong laid upon every person inhabiting the Colony. The petition asked the Secretary of State to take into consideration the matter which had been laid before him and appoint a special Commission unconnected with the Colony to go out to the Colony, investigate the evils from which the Colony was suffering and report what could be done. And the petition added the request that to the Commission

should be attached some independent sanitary expert to advise. This was done. Mr. Osbert Chadwick, than whom there is no more eminent civil engineer, came out along with Professor Simpson. In the concluding paragraph of the prayer of the petition it was asked that after receiving and considering the report of such Commission the Secretary of State would give directions for the recommendations of that Commission to be forthwith carried into effect. Bearing in mind the wishes of the public as expressed deliberately and forcibly in that petition the Government determined they would endeavour to do what they had been asked to do. In order to give effect to the recommendations they asked Mr. Chadwick and Prof. Simpson to prepare a Bill. A Bill was prepared accordingly with the very able efficient assistance of Dr. Clark, the Medical Officer of Health, and that Bill after receiving the close attention and consideration of those gentlemen was presented to this Government. The Bill was introduced into the house on the 7th of July last. As then introduced it was the product of Messrs. Chadwick, Simpson and Clark. Every word in it was placed there by themselves. Therefore it contained nothing but the recommendations of the Commissioners who had been appointed at the request of the petitioners. Of course if that Bill had gone to the second reading and subsequently to a committee of this Council I should have asked and expected hon. members to have supported it, because the Bill contained nothing more than that which they asked for them selves. The Petitioners asked for independent and competent persons to be sent out to report and recommend, and then they took the somewhat unusual but effective course of imploring that the recommendations should not be departed from. Well the Bill gave effect to the recommendations that they had asked should be given effect to. Of course, we know it is one thing to ask and another to be satisfied with what you receive So it turned out that the Bill after it was introduced in this Council—perfectly in accord at that time with the requests and wishes of the Petitioners as far as the Government could understand them met with considerable opposition, not because of the principle on which it is based, but as regards the details by which it was intended to give effect to that principle. So much was the Bill criticised by the architects, and by persons who were affected by the Bill, such as landowners and others, this Government felt that the Bill could not be forced through the Council without the criticisms being considered. In considering them the Government found many useful and valuable suggestions  
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thought it right to adopt and give effect to. In fact, the reconsideration of the Bill generally made the Government withdraw the Bill which had been introduced, because it had then become apparent that the Bill which, at the time it was introduced gave effect to the wishes of the people for whom it was designed, had ceased to do so at the later stage, and it would not have been for the general benefit of the community if it had been forced through as it then stood. The result is that I have introduced a second Bill, which meets in almost every respect, I believe, the objections that have been urged against the Bill as it first of all appeared. I believe now that the Bill as it stands will give effect to the recommendations of the experts, except in so far as those recommendations were in accord with the recommendations of Sir Thomas Jackson, Mr. Whitehead, and Sir Paul Chater. It will be remembered that I pointed out to the Council that these gentlemen thought that no compensation should be given for anything at all, but that the owner should bear the cost of improvements. That also was the recommendation of Messrs. Chadwick and Simpson, and on these lines the Government originally intended to go. At the time we introduced the Bill we had for it the support of at least three hon. unofficial members of this Council and of the two experts. The Bill, however, as now introduced, provides for compensation to be paid. I say the Bill proposes to provide for compensation where it can be legitimately paid, not otherwise. In the case of the windowless cubicle, we do not consider that is a case in which a claim can be legitimately made. The Bill, therefore, does not provide for any loss which may fall upon a man by precluding him from housing his tenants in windowless rooms. The Attorney-General went on to read from the *China Mail* an extract dealing with the subject and bearing out the views that he had put forward. The extract was as follows, and was taken from the issue of 28th July:—"No one has any sympathy for the property-owner who allows his property to become insanitary of itself, who lets out his property to rack-renting sub tenants, or resorts to overcrowding to enrich himself. Not long ago Lord Rosebery delivered himself of a scathing denunciation of the slum landlord. In May of this year Mr. Walter Long, President of the Local Government Board, replying to a deputation from the leading municipalities, said he entirely concurred with the view expressed. The owner of a slum property who allowed that property to get into a disgraceful condition, and imperilled the lives of those who lived upon it, was entitled to no consideration, and certainly no sympathy." Well, the Government do not recognise any right to compensation by persons who house their tenants in windowless cubicles. The compensation clauses provide that for slaughter of animals compensation should be fixed by the Colonial Veterinary Surgeon, for damage done to clothing, &c., during disinfection, compensation by the

Sanitary Board. It is also provided that compensation will be given where the depth of buildings is limited to 40 feet; compensation for land left unbuilt on to be fixed by arbitration. Also, where land is to be resumed for scavenging lanes—a very valuable provision which the Government hope will meet with the approval of this Council; also the Bill will provide compensation for refusal to allow re-erection of buildings over the entrance to a street or over any portion of a street; also where the height of buildings is limited. The amount to be allowed is to be fixed by arbitration. The composition of the Board will be such as to command respect and confidence. The Government will appoint one member, the owner will appoint another, and the Puisne Judge of the Colony, in the case of a dispute, will be the umpire. In allowing for compensation for the lessening in the height of buildings, the setting back of buildings, and reducing the depth of buildings, the Government have stepped farther than they need absolutely have done; that is to say, there was precedent for not doing it. As the law exists, it has been enforced since 1889. It limits without compensation the height of buildings. However that may be, this Bill provides for compensation in numerous cases, and H.E. the Governor, after due consideration, has come to the conclusion that it is right and proper that compensation in these cases should be allowed. So far as relates to the abolition of windowless cubicles, however, no compensation is allowed. I have every reason to hope that the Council will receive the Bill with satisfaction. I think, for every reason I have advanced, the Bill as now before the Council should meet with practically unanimous support. I move the second reading. (Applause.)

The COLONIAL SECRETARY—I beg to second. My hon. friend has fallen into one slight inaccuracy when he said that on the report of the Sanitary Commission no action was taken until the Bill was laid before the Council. As a matter of fact, the Insanitary Properties Ordinance, 1899, stands on the Statute Book, and it has effected many improvements. It is but right to say, at the same time, that in some instances some of the provisions were abandoned owing to opposition to them. There is a saying that history repeats itself, and I think that what that really means is that men learn so slowly the lessons which experience would teach them, that they commit the same mistakes over and over again, and that these mistakes entail the same consequences. Members of this Council will remember the prediction of Dr. Ayres in 1874, and history records that when the Public Health Act of 1887, the first

real attempt to put the city in a satisfactory sanitary state, was brought in, it met with such strong opposition that many of its most important provisions were abandoned. How unwise, how foolish, were the men of those days who opposed that Bill. What a train of sorrow and sickness did their action in those days bring upon this Colony. I feel certain, sir, that their action will not be imitated now by those who sit here in their places at this table, and by my friend the Senior Unofficial Member, who was at that time a member of this Council, and who has since, I am sure, learned that the health of Chinese can be improved by the adoption of Western sanitary measures. My friend the Attorney-General has referred to the fact that the Government does not intend to give compensation for the abolition of windowless cubicles, and I would like to point out, because it is sometimes said that the Government is solely responsible for insanitary buildings, because the erection of these buildings was possible under its own laws, that even under the laws that existed before 1894 it was quite possible to construct houses of a sanitary type, which would have solved the cubicle question and given a window to each cubicle. We have it stated to that effect in the letter from Mr. Danby which he addressed to the Housing Committee which sat in 1894; and he says in that letter that as long as the plans of Chinese houses comply with the requirements of existing buildings and Public Health Ordinances, "we architects are powerless to introduce such improvements as we should like if our clients refuse to adopt our suggestions, which they almost invariably do." Now, sir, I say it is very difficult to so frame a law that nothing objectionable can possibly be built under it, and if the Government were to blame in the past for not legislating in a more drastic manner, owners of properties must accept some responsibilities if they have not followed the advice of their architects and built houses that were reasonably sanitary. Sir, the supporters of this Bill—and I am sure everyone round this table will support it—do not pretend to believe that it will banish plague from these shores forever, but what they do hope is that, coupled with improvements of areas and the demolition of houses which no legislation can ever make thoroughly sanitary, this Colony will be put into such a condition that plague and other disease will be lessened, and that when the wave of plague which at present has spread over a large portion of the globe shall have receded, the next wave that takes place will dash itself ineffectually against our shores, and that a like fate will attend every other epidemic of infectious disease. (Applause.)

Hon. Dr. HO Kai—Sir. I have nothing to say against the Bill at the present stage; in fact, so far as the principle of the Bill is concerned, I have no hesitation in saying that I, in common with my unofficial colleagues in this Council,

support it heartily. With reference to the remarks of the Colonial Secretary concerning myself, to the effect that he is sure that I have learned that the health of the Chinese could be improved by Western sanitary measures, I may say, sir, I do not remember that at any time I made the assertion that the Chinese could not be improved by sanitary methods. I always believed that sanitary measures would benefit the Chinese, if properly carried out, as well as any person in the world, and I do not oppose sanitary measures for the Chinese just because I think it would not improve them or benefit them. But I do oppose any measures that have been hastily adopted. During the ten years that I sat on the Sanitary Board I opposed all the measures which were introduced at the time without having been thoroughly explained to the Chinese, and without adequate provisions having been made for the carrying out of those measures. Now taking the present Bill, I was only opposed to it in its former garb, We all agree, as the learned Attorney-General has said, that the sanitary improvement of the Colony is necessary, and we are all very anxious to support any measure for its improvement. But at the same time, sir, taking the Bill which was drafted in April and submitted to us in April, we could not possibly support it; in fact, we would have offered a very strong opposition to it, and the reason is quite plain, because, compare the Bill that was introduced in April with the Bill now before us, and one cannot but be struck by the change for the better in the second one. The whole difference between the two Bills is the principle of compensation. We quite recognise that any private individual must keep his house in sanitary order, and that the landlords must maintain their buildings or their houses in a sanitary condition. Now, what does a sanitary condition mean? Well, a sanitary condition varies from time to time. In this Colony, when sanitary science was scarcely known, some ordinances were passed simply for the construction of houses, and the plans of houses were asked to be submitted to the Surveyor-General—at that time the title of the Director of Public Works—for approval. When the plans had been approved, the Chinese were permitted to build their houses in that particular fashion. Now after a certain time, we have found out that these houses are badly designed, and we have also learnt that the sanitary science of our days is quite different from what it was before. Then we go up to the landlords and say—"We cannot allow this to be done; we must ask you to build your house, or to alter it, after a certain fashion, in order to meet the sanitary requirements of our present time" Now, landlords and owners of houses do not dispute that it would benefit the public health very much indeed if they were to follow

out these later plans; but then they have already built their houses in accordance with the law which obtained at that particular time, and had the plans of their houses sanctioned by the prescribed authority at the Public Works Department, and they say, "If you wish us to alter our houses in order to suit or benefit the public, we will do so if you give us reasonable compensation," "anything that tends to the public good must be paid for by the public." We hear, of course, of sacrifices for the public good; well, such men as make these sacrifices are heroes. But you cannot expect every landlord in this Colony, and every Chinese land-owner, to be heroes. They invest their money in houses because they will bring in an income to them of so much per cent. They come to this Colony, relying upon the justice and fairness of English law and the protection of the English flag, and invest their money, and they thought at the time they invested in these houses that they were sanitary as they were built in accordance with the law existing at the time. Now what right has any legislature to turn round to them, after making their investment and say, "Modern sanitary science requires, you to make certain sacrifices?" Suppose they have bought and paid for all these houses, are they going to be sacrificed for the good of the public without compensation from the public for it all? If any landlord likes to sacrifice his land for such a public purpose, he might be called a philanthropist and a public benefactor, but he can scarcely be considered a business man. Now, the present Bill that has been drafted and submitted by the Government gives that compensation, and it is that we have been fighting for. Our earlier opposition, sir, was not because we do not desire sanitary reform or improvement. A large number of my unofficial colleagues in this Council signed the petition to the Secretary of State for the Colonies asking him to send out experts to examine into the condition of this Colony, and to report and make the recommendations to be carried out; and that shows, I think, because we are the representatives of the people, that there is a general feeling in the Colony for an improvement in sanitary matters in this Colony. We are all in favour of that improvement, the only thing we desire in return from the Government is this—that we get just compensation. If the Colony is to benefit by these sanitary improvement, it should pay for them. Now, as I say, the Government have recognised this principle, and so meets our principal objection to the Bill, but at the same time I regret to see that there is no provision in the Bill to deal with the windowless rooms, as the learned Attorney-General terms them, although they are better known under the name of cubicles. There is no doubt in my mind, and I do not think there can be in the minds of any one who has been in the Colony even for a few days and looked round, that the greatest sanitary evil amongst the Chinese is these windowless rooms. They are dark and unhealthy, and yet

these cubicles have been permitted by the Government to exist. House after house has been built for years and years with these self-same cubicles, and all these houses have been permitted by the Government. And yet without these cubicles it is impossible for people to live in them with privacy. I say it is a very great mistake. Ordinary Chinese houses are about 15 feet wide; take away the thickness of the outer walls and you will find they are about 13 feet or 13 feet six inches broad and their average depth is about 40 or 50 feet; some go up to 80 feet. Now, what man can make use of a house like that or the floor of a house like that without cubicles? It is impossible for any family to do it if they are to have privacy, and therefore the Chinese have got into the habit of turning these long rooms of 40 or 50 feet, and only 13 feet wide, into a number of small rooms, which are called cubicles. Now, the growth of these cubicles is not Chinese altogether, for the Chinese learn to make use of the cubicle only in Hongkong. If you go to Canton and see the houses there, you will find nothing like cubicles in regular, proper Chinese houses. But the Government here, the law here, the Public Works Department here, have permitted the people living in these long, narrow houses to adopt this method of providing accommodation for their families. Now, what is to be done to do away with these cubicles? I understand there are no provisions in the present Bill for that purpose. It only provides for open spaces in the front and back of buildings, and just now the learned Attorney-General says he wants to limit the house to 40 feet deep also, in which case the walls will have to be thickened by a few inches. 40 feet by 13 feet—the depth is out of proportion to the width, and you can imagine the condition of a room 13 feet wide and 40 feet deep inhabited by a number of the Chinese working-class, who are none of the cleanest, and who will keep it for the moment up to the full capacity of the house that the law allows. It would have been much better if the Government had considered a plan to carry out the improvements at once, to give every cubicle a window and proper ventilation and light. If that were done, the great insanitary evil of this Colony would be done away with for ever, and I believe that plague would disappear from our midst, and the amount we saved every year would amply pay the expenses the Government would be involved in in granting compensation or in resuming every third house in the Colony. Now I do not think it is necessary in the second reading to go into details of the scheme; that will come in its proper place, when I hope to be able to point out certain matters in various parts of the Bill which might be

improved. All I can say for the present is this —that since the Government have recognised the grand principle of compensation, so far as we are concerned, as representatives of the people on this Council, we have no objection whatever to the second reading of this Bill. Of course, when the Council goes into committee on the Bill we shall very likely wish to offer a few remarks for the consideration of the Government. There is no provision made, for instance, for the spreading of the population, and it seems to me that in a Bill of this kind some attention should be given to the poorer classes of the people and the prevention of overcrowding in future. Of course the tramway, when it is completed, will assist us to a certain extent, but at the same time I think the Government would be advised to give its attention to a scheme for the providing of house accommodation for the working classes. I think it is in that direction that we should proceed. With these few remarks I beg to support the reading of this Bill. (Applause.)

Hon. C. S. SHARP—I desire to preface the few remarks I have to make on this Bill by something in the nature of a complaint, one of what I can't help considering a want of consideration to the members of Council. We have had several editions of this Bill all of which I have laboriously gone through in order to familiarise myself with their contents, but I was hardly prepared to have a new edition sprung on us almost at the last moment (Tuesday afternoon) without sufficiently sure indications of what changes were embodied in it. There are some portions in italics which I take to show the added matter, but there is nothing whatever to show what portions of the previous edition have been omitted, and personally I am not at the moment sure what the Bill as in this last edition really is. I think considering the length of the Bill and the late date at which this edition was furnished it was only due to members of Council that a memorandum should have been furnished showing exactly where the changes had been introduced, and the fact that this was not done seems to me to argue a want of consideration which we can hardly be thought to be too captious in making complaint about. My remarks are therefore based on the edition of the Bill handed us before the last one I have just referred to. I think we may well congratulate ourselves upon the fact that the last Public Health and Buildings Bill has been withdrawn, and that some time has been spent in devoting attention to the Bill now before us, for it is evident that such additional time has been well employed, as the new Bill in very many of its particulars shows very great improvement on its predecessor, and I would even go so far as to say that what in some particulars was rather an absurd Bill has been turned into one of much more reasonable and workable

think will be welcomed by the thinking portion of the community as a step distinctly in the right direction—the direction of setting our house and Colony more in order from a sanitary point of view, and thereby assisting in putting a stop to the necessity for the heavy expenditure entailed of recent years in combatting the epidemics which have unfortunately visited this port, to say nothing of removing the serious disabilities and inconveniences from which the important commercial interests of the port have been suffering from same cause. I am a firm believer in the saving virtues of more light and air as one of the best means in assisting to combat and remove these epidemics and diseases, of which we have unfortunately had far too much of recent years, and this Bill will undoubtedly go far to provide this remedy, but there is an old proverb that one may be able to lead a horse to the water, but not be able to force him to drink when he is got there, and we shall still have to see if the occupiers of houses can be induced to avail themselves properly of all the sanitary measures which will be provided by this Bill. It is well, too, to remember that the experience of the past year goes some way to show that with the present existing laws, and a timely cleansing well ahead of the season when these diseases usually make their appearance, and other sanitary precautions taken in good time, such as the extermination of rats, &c., these outbreaks can be considerably mitigated, if indeed they cannot be prevented altogether; at all events there seem to be some reasonable grounds for such a belief. Some interests will undoubtedly be pinched by the measures in contemplation, and no doubt some matters in the Bill will require amendment or modification in Committee, but the main principles of the Bill, I think, are to be commended. The question arises whether the measures in contemplation are of too drastic a nature, and this is a point to which it will be necessary to give the most careful attention. There must undoubtedly be a point at which the necessary items of expense and expediency come in, the cost as weighed against the advantage proposed to be gained. Shall we be paying too dear for our whistle? Shall we be driving away Chinese population from the Colony, and thus bring loss to the community and all its interests, possibly by causing living expenses to go up to such a point that labour will become so much dearer and scarcer, and thus cut off one of the advantages from which this Colony has hitherto derived much of its prosperity as a manufacturing and distributing centre? I confess to having some misgivings about this. A very large number of the inhabitants, it seems pretty certain, must be displaced if the provisions of the Bill are enforced, and the anxious question arises how the housing of these displaced

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provided for. It can hardly be wise or prudent for a Government which should, and no doubt does, have the best interests of the Colony at heart to put into force measures having such effects without at same time taking up the question of providing remedial measures for such effects of its legislation, and one would have liked to hear a good deal bearing on this most important point, and I cannot help thinking it most unfortunate, to put it in the mildest form, that Government has said nothing on this matter. As to the many technical bearings of the portion of the Bill specially referring to building it is hardly possible for a non-expert to say exactly how these will work out in practice, but we have had considerable assistance in forming some appreciation of these from the results of the researches the various property owners made through their professional advisers. One thing I feel sure the community ardently desires to arrive at in regard to these matters, if possible, is some sort of finality in regard to such legislation. I observe that Mr. Chadwick in his remarks on the Bill he drew up says that his Draft Ordinance "has for its object the avoidance of the necessity for further sanitary legislation for the next few years," which qualification is in a sense rather disquieting, to say the least, and is likely to be productive of considerable misgivings on the part of those interested in property here, as well as on the part of the general public; for since the first visitation of the plague in 1894 we have had no fewer than 4 new or amending ordinances brought into force relating to building, the last as late as 1901, and 11 relating to sanitation and kindred matters, and the Bill now before us proposes to repeal in part or in full no fewer than 23 ordinances, all relating to building and sanitation, and passed in the comparatively short space of the past 15 years, and this continual introduction of fresh legislation bearing on the same subjects cannot fail to have, and does have, the effect of creating misgivings and great uncertainty in the mind of the public, which must be had for the place and its prosperity. If only the public could be reassured on this point it would, to say the least, be a very great benefit all round. Another matter closely identified with these measures is the provision of an adequate staff in the Sanitary and Public Works Departments to ensure their being efficiently carried out. Without these the objects aimed at by the Bill will be considerably impaired, if not nullified, and I would desire to make strong representations on this point. In regard to the question of compensation, there will no doubt be some difference of opinion. This question of compensation for disturbance is no doubt a thorny one, but it has nevertheless to be handled, and personally I think that Crown lessees have many good and valid reasons to adduce why they should not be treated any worse in respect of this than the home laws allow in like instances. I understand that is the ground they take up in this matter, and a very reasonable

ground it seems to me. In ordinary everyday life if two persons enter into an agreement and if subsequently one of the parties to that agreement desires to vary or modify any of the terms thereof, such could only be done by mutual arrangement, and by the payment of compensation for any loss to the other party which might be shown to be brought about by the changes proposed, and so in like manner with changes necessitated by this Bill. The Government in days gone by have leased certain lands on certain terms and conditions to certain lessees, and it is now proposed to in various ways modify the terms of these Crown leases, or to impose conditions connected with the use and enjoyment of the land which were not in existence when the Government sold the land, and which will to some extent interfere with rights in the properties concerned. Broadly speaking it appears to me that if the laws have been observed by the Crown lessees, the law governing the laying out of their property, and that relating to the construction and occupation, &c., of the buildings, if all these have been complied with, and if another law be now introduced and put into force modifying or altering these conditions of the Crown leases, even although such modifications and alterations may be intended for the benefit of the Colony and public at large, the Government in all fairness ought to bear the expense of this and compensate Crown lessees fairly for the sacrifices involved. Reform has been asked for by the Colony, and this Bill seems to provide for a large measure of this, and we should feel satisfied that this is being done, for reforms have undoubtedly been greatly needed. But these other considerations have also to be reckoned with, and it would be a very un-British-like proceeding to meddle with well established and recognised rights without due compensation. I trust therefore that in dealing with this most vital point fairness, if not liberality, will be the motto governing the practice. Much has been alleged at times as to the iniquities of the landlord class, but I look upon that as a sort of natural antipathy on the part of the *hoi polloi* of rent paying mankind towards the comparatively few rent receivers, commonly dubbed the "grasping rackrenting landlords," but it must be recollected that these last have their rights as well as the others, rights which have always been most jealously guarded by the British legislature, and in this case the rights under which they hold their lands from the Crown appear to be threatened with serious alterations or modifications by this Bill, which provides for some measure of compensation, but to my idea further compensation in certain respects is necessary. Another most important point seems to me to be the absolute necessity, if the provisions of this Bill are to be put into force, that the matter of resumptions

and subsequent laying out of such resumed, properties be only carried out under some well considered and definite plan. We have a pretty bad example before us of the evils resulting from the haphazard style in the past of laying out the town, and it will never do to let anything of that sort become the fashion in regard to resumption and subsequent laying out. It may be said with truth that in nearly every respect the necessity for this Bill has been brought about by the necessity for repairing the evil resulting from past neglect and faulty legislation.

Hon. G. W. F. PLAYFAIR—Your Excellency, in the first place I desire to express thanks to the two experts whose labours and investigations fully justified the petition sent home to the Secretary of State. Thanks are also due to Mr. Chamberlain for so promptly taking notice of it, and thanks to the Government for taking the steps to put it through. The Bill is a large and comprehensive one, and one which should do a great deal to remove the black record of overcrowding, filth, and insanitary conditions with their natural concomitant of disease and plague. I was very much amused at the Attorney-General trying to say black was white over a certain clause at the end of that petition, but I repudiate the construction he tried to put upon it. As chairman of that committee which sent in the petition, I utterly repudiate it on my own behalf and on those who signed it. It does not stand to reason that any sensible person would accept the construction put upon it. I may say personally that I am thoroughly in favour of this Bill. Personally, the alterations and additions which have been made in the new addition to the Bill I thoroughly approve of. In fact, it was almost in line with what I stated in the month of July, but as regards slum properties. I am afraid the Senior Unofficial Member rather took upon himself too much when he included me in saying he was speaking for the unofficial members, for he has not consulted the unofficials and I have to repudiate anything he said in favour of more compensation. I am not at all in favour of compensation for cubicles. The Senior Unofficial Member referred to the landlords getting so much per cent.—that is the root of the whole matter, so much per cent. That is why they buy slum property, because they get far more than from any ordinary investment; and why should they be considered? They have put up the rentals at the least 100 per cent. in the last ten years. Are you asking the ratepayers to go and save them? There are two sides to that; the ratepayers have also to be considered. I am afraid the Senior Unofficial Member is rather holding a brief for the landlords; he has entirely ignored the large body of Chinese ratepayers. He referred to the displaced population. It is not proposed to displace the population all at once, and the process will act automatically. New houses will be built gradually; the tram will extend; and the whole thing is a

bugbear to think that it will be taken as a reason that the Bill should not be proceeded with on these lines. I had intended to go into matters on the report of the Commission appointed by Sir William Robinson but I was glad to hear that the Attorney-General went into that thoroughly. It is a most important point to see the signatories of the petition. I simply wish to say for myself that I am thoroughly in accord with the Bill, and most intelligent people in the Colony are, notwithstanding the aspersions of my friend the Attorney-General. (Applause.)

H.E. THE GOVERNOR—In view of some observations that have been made by one or two hon. members, especially by Mr. Sharp, I should be glad to explain in reference to this Bill that there is nothing in the Bill now before the Council that was not in the original Bill. The difference is that certain things have been deleted, and I think that if he looks over and compares the Bills the hon. member will see that except in a very few instances the one thing they had gone into in the new Bill was the compensation question. It is a repetition of a large portion of the Bill as introduced originally. We have considered it at length. The hon. member in his observations said very properly that there had been frequent legislation on the subject of sanitation, and the hon. member quoted quite a large number of measures which had been passed within the past few years on sanitation and deprecated the introduction at frequent intervals of fresh legislation. I quite agree with the hon. member in his view as to the inadvisability of that, but I think if you look over this Bill you will find it is a consolidation Bill and there is really very little fresh legislation in it. In it the previous sanitation ordinances are consolidated to enable the people of the Sanitary Department to have in their hands everything that is known in the Colony, everything that is law with reference to their particular duty; and instead of having to roam over the various ordinances of the Colony during the past number of years all the ordinances of this kind in force are brought together and placed in one ordinance to which the Sanitary Department officials can refer. I think the hon. member will agree that it is better that the laws should be so consolidated than that the Sanitary Department should be compelled to look over a large number of ordinances to make themselves acquainted with them and so on. A very large question that has been brought forward by the hon. member is the question of what is to be done with the large number of people who must be displaced by the operations of this  
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I quite agree with that. But then, on the other hand, the Ordinance is not going to act at a moment's notice. Action must necessarily be slow and the broad question will present itself to us whether it is better that we should suddenly undertake a large measure of socialist legislation by the Government entering with the public money into competition with those whose business it is to build and supply houses for the accommodation of the people or whether we should leave that to the ordinary operation of commercial principles; and my own view is that it is better to leave it to the ordinary operation, especially here in Hongkong where there are societies and individuals who have money and are quite ready to supply it when they find that the public require it. With regard to the remarks of Mr. Playfair I must say I differ a little with him in his estimate with reference to the petition that was sent home, because I think that if he will take the

trouble to read carefully Mr. Chadwick's report it has completely blown out of the water his own statement that the Government or the Public Works Department had neglected the recommendations made by Mr. Chadwick. However, I made these few observations because I understand the Attorney-General does not wish to answer them, as perhaps he has not studied these matters so carefully as I have done for two or three years. I earnestly hope that this Bill will go through and I hope we will find some finality in this necessary legislation on sanitary matters, and that the result will be, what we all hope, beneficial to this Colony and possibly in the future it may prevent the recurrence of these terrible epidemics of plague which have done so much mischief in the past. (Applause.)

The Bill was read a second time, and the Council adjourned.

