

9TH DECEMBER, 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 (Colonial Secretary).

Hon. SIR HENRY S. BERKELEY, Kt. (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. 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 Councils).

LAW COMMITTEE REPORT.

The ATTORNEY-GENERAL laid on the table the report of the Standing Law Committee (No. 1) and moved its adoption.

The COLONIAL SECRETARY seconded, and the motion was carried.

NOTICE OF QUESTION.

Hon. G. W. F. PLAYFAIR—Sir, I beg to give notice that at next meeting of Council I shall draw the attention of the D. P. W. to the return laid on the table at the last meeting of Council regarding the supply of water to the upper levels of t h e P e a k , a n d

move the following resolution:—"That H.E. the Governor should appoint an independent committee unconnected with the Public Works Department to examine into the truth of the statement contained in the return tabled by the Director of Public Works of the supply of water to the upper levels of the Peak in November last and to the date of that return."

"STAR" FERRY CO., LD.

Hon. C. SHARP moved the second reading of the Bill entitled an Ordinance to authorise the making of bye-laws by the "Star" Ferry Company, Limited. He said—The objects of this Ordinance are concisely stated in the objects and reasons attached. The chief object of the Bill is to provide a summary method of punishment for persons who practise frauds on the Company by travelling by a higher class than the one to which their ticket entitles them—an offence in respect of which it is doubtful if any proceedings of a criminal nature can be instituted. The Bill is also intended to provide a means by which the Company can regulate the traffic for the public benefit as is customary with similar companies in England. These bye-laws will not come into force until they have been submitted for the approval of the Governor in Council and are published in the *Gazette*. I therefore beg to move the second reading of the Bill.

Hon. C. W. DICKSON seconded, and the motion was agreed to.

Hon. C. S. SHARP then moved that the Council go into committee and consider the Bill clause by clause, and this m o t i o n , w h i c h w a s a l s o

seconded by the Hon. C. W. DICKSON, was agreed to.

The Bill having been so considered, the third reading was not taken.

EMPLOYERS AND SERVANTS.

The ATTORNEY-GENERAL moved the third reading of the Bill entitled an Ordinance to amend the law relating to employers and servants.

The COLONIAL SECRETARY seconded, and the Bill was read a third time and passed.

TITLES IN THE NEW TERRITORY.

The ATTORNEY-GENERAL moved that the Council go into committee on the Bill entitled the New Territories Titles Ordinance. He explained that as the Standing Law Committee had already considered the Bill clause by clause, it was unnecessary, according to Rule 40 of the Standing Orders, for the Council to so consider the Bill, as the Standing Law Committee in that respect was equal to a committee of the whole Council.

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

The amendments of the Standing Law Committee having been read, the third reading of the Bill was not taken.

PUBLIC HEALTH AND BUILDINGS BILL.

On the motion of the ATTORNEY-GENERAL, seconded by the COLONIAL SECRETARY, the Council went into committee on the Bill entitled an Ordinance to consolidate and amend the laws relating to Public Health and to Buildings, and considered the Bill clause by clause.

The ATTORNEY-GENERAL consented to the deletion of sub-section 3 of section 2, as being unnecessary.

Sub-section 12 of section 26 defined as a nuisance "any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance." After the second bracket the words "or any furnace" were added.

On the suggestion of Hon. Dr. HO KAI, the words "medical officer of health" in the 7th and 8th lines of section 32 (referring to cases of non-compliance with bye-laws) were struck out and "Board" substituted in both cases.

In this connection the ATTORNEY-GENERAL raised the point of the delegation by the Board of their powers to the medical officer of health, and it was marked for further consideration.

In clause 45, of which the side-heading was "Basements, may not be occupied without permission," the phrase "to the satisfaction of the medical officer of health" was altered to "to the satisfaction of the Board," on the suggestion of Hon. Dr. HO KAI.

When clause 46, defining overcrowding, came on for consideration.

Hon. Dr. HO KAI pointed out that a large number of the

population would be displaced by the operation of the new law, and proposed that prosecutions for overcrowding under this section should not be instituted for, say, three months after the proclamation by the Governor in Council of a particular district to be liable to the application of the law as provided by this section; otherwise the sanitary inspectors would consider it to be their duty to commence prosecutions at once where overcrowding existed.

The ATTORNEY-GENERAL said that the Bill would be brought into force gradually.

H.E. the GOVERNOR remarked that when the Bill was passed it would undoubtedly be the duty of the sanitary inspectors to see that its provisions were carried out. It was stated that about 50,000 people would be unhoused. It was an important question whether this clause should come into force at once or time should be allowed for the displaced population to find accommodation. He understood there were about 400 vacant houses in Kowloon. Perhaps the Director of Public Works could tell them how many people these houses could accommodate?

The DIRECTOR OF PUBLIC WORKS— Twenty to thirty each house.

H.E. the GOVERNOR said that taking it at 25 that would give them accommodation for 10,000 people immediately. In that case they might begin giving immediate notice in one district that the new Bill would be brought into operation, and then the other districts knowing that would be prepared for the extension of the Bill to them. He took it that those people who made it their business to supply accommodation would set about providing it. There was no doubt that the English Acts had to contemplate provision being made for the accommodation of the people who were being removed, but from what he knew of Hongkong his impression was that the requirements of the displaced population would be met in the ordinary course of events. There would be no want of houses if landlords saw that there was a demand for them. Indeed, if there were 400 or 500 vacant houses just now it showed that there was a little overbuilding in Hongkong at present.

The ATTORNEY-GENERAL suggested that Dr. Ho Kai's point might be met by the addition of a suspending clause at the end of the whole Ordinance fixing a time when it should come into operation.

Hon. Dr. HO KAI said he did not want the Ordinance not to come into force at once, but simply to postpone the institution of prosecutions for overcrowding for a period.

H.E. the GOVERNOR said he was afraid that if they put off the Bill coming into operation for say two years nothing would be done at all, whereas if Dr. Ho Kai's suggestion was taken into consideration they could start this Bill into operation at once, because the people could begin removing every third house and removing a certain number of the tenants of these houses.

The ATTORNEY-GENERAL pointed out that the Bill did not make prosecution absolutely compulsory.

H.E. the GOVERNOR suggested that the best thing to do was to pass the clause as it stood, take a note of what had been proposed, and afterwards add a clause stating how this clause would come into operation—within three months, as suggested by Dr. Ho Kai, or otherwise.

This course was unanimously agreed to.

In connection with the same section some discussion took place on the question of the amount of cubic space to be provided for coolie quarters, and eventually it was agreed that a note be taken of the point with a view to further consideration at a later stage.

On the clause dealing with the limit of fittings for sleeping accommodation, the Hon. Dr. HO KAI asked whether opium divans were included in the restrictions.

The ATTORNEY-GENERAL replied in the negative.

Clause 54, which refers to compensation for infected animals slaughtered, was allowed to stand over for reconsideration.

This course was also followed in respect of clause 89, dealing with the recovery by the Sanitary Board of cost of disinfection and the payment of compensation for damage done during such disinfection.

The Hon. Dr. HO KAI was of opinion that it would be much better for the Government to spend a little money in the payment of compensation for articles destroyed, and thus induce the Chinese to come forward and report cases of sickness, than to save a little money and not have such cases of sickness reported.

The COLONIAL SECRETARY affirmed that the proper thing to do would be to grant compensation only in such cases as had been reported to the authorities, and in such cases only to waive the charge for cleansing and disinfection.

H.E. the GOVERNOR suggested that a proviso be added to the clause that in cases of infectious diseases which had been reported by the owner or occupier no charge should be made for the disinfection of the premises.

The ATTORNEY-GENERAL and the Hon. Dr. CLARK were of opinion that the proviso should extend only to cases where the report had been made during the life of the patient.

The HARBOUR MASTER—If the cleansing is the result of a report from the householder, there should be no cost to him.

Hon. Dr. HO KAI—Whether the patient is alive or not.

The HARBOUR MASTER—Yes.

The Hon. Dr. HO KAI said the greatest evil now existing was the dumping of dead bodies in the street, and if the course was to be followed of paying compensation and not charging for disinfection only where a case had been reported during the life of the patient, there would be no abatement of the evil. There was no advantage in it for the Chinese, for if they reported a case after death—and in many instances death ensued very quickly—they would be charged for the subsequent disinfection. They stood to gain nothing by making such a report, and would simply continue to dump the bodies in the street.

After the passing of other clauses the Council adjourned.

