

20TH JULY, 1903.

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, 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. Dr. J. M. ATKINSON (Principal Civil Medical Officer).

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

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

Hon. WEI A YUK.

Hon. R. SHEWAN.

Hon. GERSHOM STEWART.

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

FINANCIAL.

The COLONIAL SECRETARY laid on the table Financial Minute (No. 28) and moved that it be referred to the Finance Committee.

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

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

The COLONIAL TREASURER seconded and the motion was agreed to.

NEW LAW COURTS AND POST OFFICE.

Hon. GERSHOM STEWART put the following questions of which he had given notice:—

1. When were the plans for the new Law Courts finally passed?

2. What is the cause of the delay in proceeding with the erection of the Courts?

3. What was the cost of the site for the new Post Office, and when paid for?

4. What were the number of designs received in the recent competition for the Post Office?

5. Can the Government give the date approximately when they will be in a position to invite tenders and proceed actively with the work of the construction of the Post Office?

The COLONIAL SECRETARY—Sir, in reply to the hon. member, the plans for the new Law Courts were passed in November, 1899, the contract for the foundations was let in June, 1900, and tenders for the superstructure were called for in November, 1902. All the tenders except one were exorbitantly high, and the one I refer to came from a contractor of no standing. None of the tenders were therefore accepted, and arrangements were almost

completed for the carrying out of the work by the Public Works Department itself when another tender was received. It has now been accepted, and it is hoped that the work will soon be gone on with. With regard to the Post Office, the cost of the site was \$508,280, and was paid in March, 1902. Three designs were received in the recent competition, one of which has been accepted, and it is anticipated that tenders for the foundations will be called for in about a month.

FIRST READING.

On the motion of the ATTORNEY -GENERAL, seconded by the COLONIAL SECRETARY, the following Bill was read a first time:—A Bill entitled an Ordinance to amend The Foreshores and Sea Bed Ordinance, No. 21 of 1901, and to repeal sub-section (1.) of section 1 of Ordinance No. 11 of 1902.

LAND CLAIMS IN THE NEW TERRITORY.

The ATTORNEY -GENERAL moved the first reading of a Bill entitled an Ordinance to amend Ordinance No. 18 of 1900, entitled An Ordinance to facilitate the hearing, determination, and settlement of land claims in the New Territories, to establish a Land Court, and for other purposes.

The COLONIAL SECRETARY seconded, and the Bill was read the first time.

The Standing Orders having been suspended,

The ATTORNEY -GENERAL moved that the Bill be read the second time. He said—This Bill is introduced in order to allow the Crown, when occasion may require it, to appeal to the Supreme Court against decisions of the Land Court where those decisions affect the rights of the Crown, the proprietors of the land in the New Territories by virtue of the arrangement made between her late Majesty the Queen and the Emperor of China. It is also expressly declared to be Crown property by one of the sections of the Land Court Ordinance. At the time that Ordinance was passed and the Land Court was established, it was not thought necessary, or the necessity had not arisen, to have the power given to a claimant to appeal from a decision of the Land Court, and the result is that a most anomalous position has been created. The Bill therefore provides that the Chief Justice may at any time, upon good cause shown, grant to the Crown leave to appeal to the Full Court of the Supreme Court from any decision of the Land Court. For these reasons I move that the Bill be read a second time.

The COLONIAL SECRETARY seconded.

Hon. R. SHEWAN—I rise, sir, to object to the motion that this Bill be read a second time. In the first place, we have always been accustomed to having a Bill read the first time, and then it is left to be advertised and made publicly known, so that the public

themselves may consider the Bill. There is no reason, sir, why this Bill should be rushed through the Council in this way. It does not seem to me to be a very important Bill; it appears to be a very fair Bill; but why should the Attorney-General rush this thing through when it has not been advertised, not even in the *Government Gazette*? Nobody knows anything about it. We have the first reading, then the second reading, and I am so ignorant of the procedure of this Council that we shall probably have the third reading before I know. Is it not the custom to take the first reading and then have time to consider the Bill? I myself have had no time to consider it. I read it through hurriedly, but I notice it stated that the Chief Justice may at any time upon good cause shown grant to the Crown leave to appeal. If there is any doubt on the subject, I would simply ask the Council to have it postponed until next meeting.

The ATTORNEY -GENERAL—All I ask the Council to do is to adopt the principle, and if we adopt that principle we can read the Bill the second time and refer it to committee at the next meeting.

Hon. R. SHEWAN—It will not go through committee now?

The ATTORNEY -GENERAL—No.

Hon. R. SHEWAN—Oh, very well.

The motion was put to the Council and the Bill was read a second time.

SUPPLEMENTARY VOTE.

The COLONIAL TREASURER moved the second reading of the Bill entitled An Ordinance to authorise the Appropriation of a Supplementary Sum of One million eight hundred thousand two hundred and one Dollars and forty Cents, to defray the Charges of the Year 1902.

The COLONIAL SECRETARY seconded, and the Bill was read the second time and referred to the Finance Committee.

NEW TERRITORIES RENT RECOVERY ORDINANCE.

The ATTORNEY -GENERAL moved that the Council go into Committee on the Bill entitled an Ordinance to repeal The New Territories Rent Recovery Ordinance.

The COLONIAL SECRETARY seconded and the motion was agreed to.

In Committee the Attorney-General proposed several amendments and new clauses and it was agreed to let the Bill stand over till next meeting in order that these might be printed and submitted.

THE NEW POST OFFICE AND THE LAW COURTS.

Hon. GERSHOM STEWART—With your Excellency's permission I beg to move the adjournment of the debate in order to make some remarks on the answers to the questions standing in my name.

H.E. the GOVERNOR—Certainly.

Hon. Mr. STEWART—As these two matters are of considerable public importance, I ventured to ask these

questions, and it is very gratifying to hear that some satisfactory arrangement has at last been made about the Law Courts, but it must be borne in mind that we have heard hopeful statements before and have suffered a considerable amount of disappointment. It is clear that the Law Courts site has been reclaimed for about 13 years, also the site in front of the Club; and yet we still have grass growing on both of them. I fully admit the desire of the Government in this and other matters to do their best for the public interests, but it seems to me that perhaps the cost to us has been somewhat overlooked. It does not seem clear that delays are in any way economical. It is well to bear in mind that this Colony which like many prosperous concerns may run on a debit balance can only do so at a cost of 5 per cent. per annum. The new Post Office site therefore for which we paid \$500,000 in cash costs us in interest \$25,000 a year. It is no good to go into the loss of interest in the past on the sites to the east of that, but take the two together and I am perhaps not overstating the value when I say they are worth \$1,000,000, which is a cost in interest of \$50,000 a year or \$1,000 a week to us. From that point of view it seems to me that we are losing money, although as far as I can see we are in a very strong position. We have got the two old public offices in Queen's Road, I suppose, to sell and apply towards these buildings, and we have got the valuable site in front of the Club, so that so far as I can see we have assets which will enable us to put these two buildings up, without the question of cash coming in at all. We have actually got the money, and it seems to me that we have had it for some time. I very fully admit the great troubles and difficulties of the Public Works Department, but I think it is possible, if public attention is drawn to it and the matter is opened up, that by a readjustment of duties and the calling in of private assistance we could possibly be able to do a great deal of work at a greater speed than we can at present. In answer to my question No. 5 it was not very clearly laid down who was going to build the Post Office. One hears remarks that the successful architects will do so, but it has not been definitely stated. I would like to mention a small matter in regard to the readjustment of work which I can speak of from my personal experience. I am sorry to say that I the other day had not paid my water rate. I got two letters from the Director of Public Works. I found that something was overcharged and I corresponded with him and eventually it resulted in my paying \$1.50 to the Treasury. Well, it struck me as a little bit hard on probably the hardest worked man in Hongkong, whom we expect to be an architect, an artist, an engineer and look after all things, that we should also

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do tax-collecting as well. I especially thought that, when we have got such an excellent and energetic Treasurer, who will look after the Colony's debts very well. I understand that I cannot say any more on the question of public works except referring to these two buildings but I should like to draw your attention to the fact that it seems very odd that we cannot get on with our work and yet private people get on with theirs apparently fairly well. If we go down to the Post Office site we may see people sawing timber. If you look round you see Messrs. A. S. Watson's four-storey building approaching completion. If you go down to our sites to the eastwards you see in front of you Queen's Building which has been in use for some years and Prince's Building which is now approaching completion. You see in front of the Bank those two very nice gardens which have been in use for six years and on the opposite side we have the statue of His Royal Highness standing in a sort of wilderness. I must say I never pass that statue but I fell an inclination to apologise to His Royal Highness for not having given a better site to the statue. I hope, sir, that these remarks will be taken in as good part as they are made in. I am induced to make them with the hope and desire that if we use the proper assistance, engineering and otherwise, which we have at hand, we may give the Director of Public Works immediate and efficient relief. We all admit freely that he is a most conscientious hard-working man, but it seems to me that this Colony has outgrown the limits of the Public Works Department. If that is so, it is a matter for real congratulation. If we become a bigger place we cannot expect the work to be done without a bigger apparatus than we had in the earlier days. I think that any money that may be expended in the cost of employing private labour will be amply repaid by the relief afforded to the Department and by the increased comfort which the public will enjoy. It is a noticeable fact that patriotic as we all are we have not a public building of any sort or kind except Queen's College, which is hidden away in Chinatown and nobody ever sees. It seems to me that the present moment is an opportune moment to put our shoulder to the wheel, because we have found out that all hopes of developing this Colony to its full limits of beauty and excellence have been taken away from us by the retention of the Naval Yard in our midst. I think the best thing for us to do is to develop our Colony as much as we can in that direction to the best of our ability. I do not know whether I have to move a resolution?

H.E. the GOVERNOR—No.

Hon. Mr. STEWART—I simply wish to ventilate the matter. There are a good many other things in which assistance might be given to the Public Works Department, but I will confine my remarks to these

questions.

Hon. R. SHEWAN—Sir, I beg to second the motion of my hon. friend, and I do so with great pleasure, because I agree—I had almost said with the whole of his remarks, but at any rate with most of them, although there are one or two with which I certainly do not agree. In the first place he referred to some Government official whom he seemed to think able and energetic. Now, I do not know whether he mean, my hon. friend on the right—[Director of Public Works]—or my hon. friend on the left—[Colonial Treasurer]—I am quite willing to admit that one may be able and the other energetic, but as to both being both able and energetic—I am not so sure about that. There was another remark in the speech of the hon. member with which I cannot agree—that about the statue of His Royal Highness being like a voice in the wilderness.

Hon. Mr. STEWART—I did not say "voice in the wilderness."

Hon. Mr. SHEWAN—That is what I understood him to say: "a voice crying in the wilderness." If I am wrong I stand corrected. At any rate, there is no wilderness near the Bank. The motion to adjourn the debate, however, is very opportune, for it opens up an useful field for anybody who wishes to talk about things that are going on in this Colony. I was glancing through some of the evidence brought before the Commission appointed to enquire into the Public Works Department, and I was very much amused as I read it to think how little has been done to remedy matters after all the trouble we took and the many hours we spent listening to those witnesses. Mr. Chatham's evidence was to the effect that he had no time to attend to matters which seemed to me to be of the very least importance and which could have been done in two seconds. He said he wanted, in addition to himself, an Assistant Director of Public Works and eight or nine other engineers; his time was so taken up in office work that he had no time whatever to look round the Colony and see for himself what was wanted in the way of public works. I should like to know now if he is satisfied with the assistance the Colonial Secretary has procured for him through the Agent General of the Colonies, for if he is satisfied I suppose we shall have no more complaints about such matters. As to roads, at that time the great questions here were the want of water and the bad roads—

HIS EXCELLENCY—I am afraid the hon. member is getting a little discursive.

Hon. Mr. SHEWAN—These are included in the matter of public works which my friend raised.

HIS EXCELLENCY—No; that was about the building of the Law Courts and the Post Office.

Hon. Mr. SHEWAN — I think he moved the adjournment of the debate to discuss public works.

HIS EXCELLENCY—Yes, especially with reference to these two matters. However, I do not think the hon. member has very much farther to go.

Hon. Mr. SHEWAN—Well, regarding the roads, we recommended that three or four samples of roads should be made, different materials to be used. Mr. Tooker, who was subsequently made Assistant Director of Public Works, recommended that these should have wood pavements and said that the present roads had no foundations. Mr. Danby and I—

HIS EXCELLENCY—I think the hon. member is going very far afield.

Hon. Mr. SHEWAN—It opens up a large field.

HIS EXCELLENCY—Yes, but it is coming near four o'clock.

Hon. Mr. SHEWAN—Oh well, if the argument is one of time I am willing to sit down.

The hon. member thereupon resumed his seat.

The COLONIAL SECRETARY—The question of the site of the Law Courts and the site of the new Post Office and other offices that are going to be built on the site of the new Post Office is a subject which has been a very vexed one indeed, and one on which local opinion among officials differed as much as the opinion of non-officials, Sir William Robinson appointed a committee to consider this matter in 1894, and that committee reported and recommended a certain scheme. Then, unfortunately for rapidity in the carrying out of the work, there was a change in the Public Works Department. The new Director did not approve of the scheme fathered by his predecessor, as far as my memory serves me, and a fresh committee was appointed. It was not until 1896 that that second committee reported, and after some correspondence with the Secretary of State as to the design of the buildings it was finally decided to employ an eminent firm of architects at home—

Hon. R. SHEWAN—Who decided—Mr. Chamberlain or the Hongkong Government?

The COLONIAL SECRETARY—Aston, Webb, & Ingress Bell. All this took a good deal of time and added to the delay. As for the site of the Post Office, which was acquired last March, it must be remembered that not one department but several—some five or six—had to be accommodated in that building. It took some considerable time to find out what these departments wanted, and it also took some time to collate information so that the architects might have something to go upon. It may be we have lost something in interest through not availing ourselves of these sites earlier, but at the same time I would remind the hon. members who have spoken that the value of the property is increasing all the time.

Hon. R. SHEWAN—Hear, hear.

The COLONIAL SECRETARY—We might sell the present site of the Law Courts and the Post Office some years later, and I think the Senior Unofficial Member will agree with me that if we do sell it we will get a great deal more for it than if we had sold it three or four years ago.

Hon. G. STEWART—That is speculation.

H.E. the GOVERNOR—I think the hon. member in these speculations forgets that any of these public works—the Post Office, the public waterworks, Tytam and Kowloon, and the Harbour Office—are, putting aside every other work of the Public Works Department, very large. The cost of these works is over \$3,000,000, and you cannot expect them to be done in a day. I do not think, myself, as far as these plans are concerned, that there has been any delay we could have avoided. There has been a slight delay in the Law Courts for this reason that in preparing the foundation it was assumed that piling was unnecessary except on the portion recently reclaimed, but it was found that the whole of the foundations at the south end had to be piled. There was no delay once the piling had been done, beyond the inevitable delay of trying to get a tender which could be accepted in the interests of the Colony; and as the tenders were hundreds of thousands of dollars more than the Director of Public Works thought that we ought to pay for that kind of work, I think the Director of Public Works was very right and prudent in advising the Government not to accept the tenders received at that time. As regards this ground in front of the Club which the hon. member speaks of, I hope that nothing will be ever built on it. I propose that that ground shall be made a public garden as also the site near the Law Courts, and we shall have, opposite, the garden which at the present moment extends from the Bank to the sea. (Applause.) My idea is that the ground shall be preserved as an open space entirely and add to the beauty of the place. I suppose the hon. member with draws his motion?

Hon. Mr. STEWART—Yes.

H.E. the GOVERNOR—The Council stands adjourned *sine die*.

FINANCE COMMITTEE.

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

CITY AND HILL DISTRICT WATERWORKS.

The Governor recommended the Council to vote a sum of \$1,342.30 in aid of the vote for "City and Hill District Waterworks" under "Public Works Extraordinary."

The vote was agreed to.

ESTIMATES FOR 1902.

The Committee then considered the Supplementary Estimates for the year 1902, and approved all of the items contained therein.

The Hon. R. SHEWAN took objection to the grouping of so many items under the heading "Miscellaneous Services," and said miscellaneous services might cover a multitude of miscellaneous sins.

The HARBOUR MASTER—I don't think it would be possible to put "Miscellaneous Services" in any other form.

Hon. R. SHEWAN—I don't see any reason why not.

The HARBOUR MASTER—I am speaking to the Chairman, sir.

Hon. R. SHEWAN—So am I.

The CHAIRMAN—Order.

The HARBOUR MASTER—I don't suppose it is possible to put all the "Miscellaneous Services" in this part (holding up the paper), and I suppose that is the reason they appear in the form they take.

Hon. R. SHEWAN—I don't see any reason against it, but what we want are more details. If the hon. member will give us a reason I shall be glad to hear it.

The discussion ceased.

This was all the business.
