

27TH JUNE, 1907.

PRESENT:—

HIS EXCELLENCY THE OFFICER
ADMINISTERING THE GOVERNMENT, Hon. Mr. F.
H. MAY, C.M.G.

Hon. Mr. A. M. THOMSON (Colonial
Secretary).

Hon. Mr. H. H. J. GOMPERTZ (Attorney-
General).

Hon. Mr. C. McI. MESSER (Colonial
Treasurer).

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

Hon. Mr. A. W. BREWIN (Registrar-General).

Hon. Mr. F. J. BADELEY (Captain-
superintendent of Police).

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

Hon. Mr. WEI YUK.

Hon. Mr. E. A. HEWETT.

Hon. Mr. E. OSBORNE.

Hon. Mr. H. KESWICK.

Mr. A. G. M. FLETCHER (Clerk of Councils).

MINUTES.

The minutes of the previous meeting were
read, and confirmed.

AN EXPLANATION BY HIS EXCELLENCY.

HIS EXCELLENCY—Gentlemen, before
proceeding with the business I would like to
advert to some remarks that I made at the last
meeting of this Council when speaking on the
Bill for the amendment of Section 175 of the
Public Health and Buildings Ordinance. I said
that I thought the hon. member nominated by
the Chamber of Commerce had in his mind a
certain block of buildings when he was
speaking on the Bill. I had that particular block
of buildings in my own mind because it is a
typical hard case for the relief of which, among
others, the Bill to amend the section was

introduced, and because it is the most important
of the hard cases which the Sanitary Board has
asked the Governor in Council to deal with.
Further, this particular block of buildings had
been, and still is, the subject of correspondence
between the Sanitary Board and the
Government. It was therefore, I submit, not
altogether unreasonable that a connection
between the block to which I have referred and
the Bill should exist in the mind of the hon.
member as it did in my own mind. It never
occurred to me, when I made the remarks I did,
that my words would be construed as imputing
improper motives to the hon. member. There
could be no question of axe grinding in the
matter, because the Bill was not introduced at
his instance but on my own initiative in order to
give relief to various buildings and to this block
in particular. I may say I have taken some
interest in the matter, and had myself only
recently visited the block in question. However,
the hon. member took my meaning up
otherwise, and I can only assure him that I had
no intention to question his singleness of
purpose, and that I regret that any words of
mine should have been capable of such
interpretation. And, gentlemen, while
expressing regret that I should, even
unintentionally, have wounded the feelings of
the hon. member, may I remind him that
officials have feelings too, and that the charge of
want of honesty in dealing with the
compensation clauses under the Public Health
and Buildings Ordinance was not and is not
appreciated by men who, under the leadership
of as thorough and honest and straightforward a
man as ever occupied the chair I have now the
honour of occupying, namely Sir Henry Arthur
Blake, endeavoured to the best of their ability to
deal justly and impartially between taxpayers
who are not property owners and taxpayers who
have the fortune, or shall I call it misfortune, to
have an interest in property. I say

that official members of this Council under the leadership of the Governor I have mentioned endeavoured to do their duty justly and impartially between the parties I have mentioned when the compensation clauses of the Public Health and Buildings Ordinance were under consideration by this honourable house (applause).

FINANCIAL MINUTES.

The COLONIAL SECRETARY, by command of H.E. the Officer Administering the Government, laid on the table Financial Minutes Nos. 21 to 25, and moved that they be referred to the Finance Committee.

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

THE CUBICLE QUESTION.

Hon. Dr. HO KAI—Your Excellency, I rise to move the series of resolutions standing in my name, and as a matter of convenience, Sir, I would beg leave to move these resolutions *en bloc* since they are very closely connected with each other, and after due consideration and discussion they may be put singly and separately from the chair. At the meeting held on the 13th instant your Excellency, while speaking on the question of cubicles, made use of the following words—"I am in great hopes that the community as a whole will take this subject into their most serious consideration, and try to arrive this time at some method of dealing with this question which will really settle it once for all." In your hope, Sir, I share, and it is to give an early opportunity to the members of this Council, and also to the public at large, of considering and discussing this question, and of arriving at some definite idea regarding it, that I now bring this resolution forward. I hope that after due deliberation we will be able to suggest to the Government some method by which the question can be dealt with in an effective manner, and that we will not continue to tinker with it, but grasp it firmly and make some provisions in a new law to settle the question once for all. Now, Sir, with regard to resolutions 1 and 2, which read:—1. That in the opinion of this Council a new law relating to cubicles in Chinese dwelling houses is urgently required. 2. That it is desirable that such new law should include some method of dealing with the cubicle question which will be of a thorough nature and will settle the matter once for all, I need not dwell on them at considerable length because I believe that a few extracts from the report of the Sanitary Commission, and also from the speech of your Excellency delivered on the 13th instant in this Council will make it clear to everybody that the terms of these two resolutions are perfectly true, and will make them quite acceptable to honourable members of

this Council and to the public at large. I beg, Sir, to quote from page 9 of the Sanitary Commission's report on the subject of cubicles, the remarks contained in paragraphs 59 to 69 (reads). This from the report of the Commission; and then, Sir, I would refer to your address of the 13th (reads). After these extracts, Sir, I think it is quite needless for me to add anything to insure the acceptance of these two resolutions by the Council. Now, in coming to resolution 3: "That the scheme for pulling down the upper stories of every third house in the blocks of houses in China town and the provision of lateral windows in the upper stories of the adjacent houses is a desirable and effective scheme," I have come to a definite proposal which was started or conceived some five years ago. It had been communicated to the Government, I think, informally, and it had received some consideration from the Government. Plans were drafted by my hon. friend the Director of Public Works opposite, and copies of them are now laid on the table showing how to carry out the scheme, and what the houses left would look like. The adoption of the scheme meant the pulling down of every third house in a row of houses, which gives open spaces between the houses, into which lateral windows could be opened and sunlight and fresh air admitted. Models were also made by an officer of the Sanitary Department showing the houses proposed to be altered or built under this scheme, and I believe these models are to be seen in the Medical Officer's room at the Sanitary Board where any gentleman can pay a visit and view them. I personally took some part in recommending this scheme to the Government, and had several interviews with Sir Henry Blake and the Medical Officer of Health on the subject. The objections advanced to it at that time were two in particular, and these objections succeeded in setting aside the scheme for the time being in favour of certain suggestions by the medical experts, and which suggestions, as we now see, are totally bad in effect. The first objection to the scheme was that it involved a very large sum of money, I think some eight millions of dollars. It was said then that the Government would not, and could not, afford such a large sum, not even a proportion of it, a third or a half. Now these objections at that time seemed to have a very great deal of influence with the authorities, because they thought compensation was given for the loss of cubicles. Under that impression, they justly said they would have nothing to do with it. Why should the Government pay compensation to landlords who put up illegal cubicles on the floors of their houses? And if these cubicles are insanitary, they say, the Sanitary Board should insist on having them removed. Then again they asked why the Government should pay

compensation for the removal of those cubicles and the loss of them. That is mistaking our scheme altogether. We used the word compensation, but we might have used the word contribution. We were not, and are not asking the Government to give compensation for that purpose to landlords. We only ask the Government to contribute a proportion of the money required for the resumption of certain property which will be converted into open space for the use of adjacent or surrounding houses. I will give an example, and then, I think, hon. members will be able to understand what I mean. There are a row or block of houses of five or six together. Everybody knows the shape of Chinese houses; they are long narrow houses, each house measuring about 15 feet in width externally, and about 50 feet in depth. Internally the depth will be a couple of feet less, say 48 feet and the width would be about 13 feet 6 inches, or 13 feet. Now, each of these houses stands on land carved out to correspond with its size, and that piece of land is registered in the Land Office as section A or B or subsection A or B of that lot. These houses are generally owned by separate owners, and each house is frequently transferred and dealt with as a separate lot. Now, how could the landlords of two adjacent houses who might wish to improve their property and introduce more light and air from the side do so without getting rid of the house separating theirs? Clearly they could do nothing unless the Government would step in and resume that house after giving full compensation. Then they could pull it down, either right down or to the first floor, and leave an open space for the houses on either side. Of course it would be a question whether the Government would—in fact I think it is quite just the Government should—insist that the landowners on either side should contribute a proportion—what proportion I don't want to touch upon just at present—but a proportion of the cost of resuming that house. Then again, if the third house in a block of houses is in the ownership of one particular person, compensation is asked for simply to compensate the landlord for sacrificing one house in three for an open space. Such open space not only benefits his own house, but the Colony as well in as much as when the introduction of sufficient light and air into domestic dwellings is settled, the sanitation of the Colony of Hongkong becomes a most simple problem, so that objection to this scheme, I think, after careful consideration, cannot be very strong. It is not to compensate landlords for the loss of cubicles, but it is to give a contribution of money for the resumption of land to provide for open space. Now the second objection to this scheme formerly was advanced by the landowners. They said that the partition walls as they were would be too weak when the intermediate houses were pulled down, and a good deal of expense would have to be incurred by the landlords of the houses on either side to strengthen these walls. That is, of course, an architectural question. I suppose when we are getting

the third house taken down, or before, an architect will be employed, so I can see neither technical nor practical difficulty in strengthening the walls as desired. However, these two objections, as I say, were so strong at the time that they overpowered the recommendation, and the result was that when the Public Health Ordinance No. 1 of 1903 was passed, it contained no provision to carry out this scheme. I have *Hansard* in my hand for the session 1902, and I wish to quote just a few lines in a speech of mine made at that time (quotes). The Government have disregarded that recommendation and they have tried some other provisions. These provisions have, after five years, been found to be inefficacious, and now some new method must be found, and I put this forward, not because it is a pet scheme of mine—not at all. The scheme was conceived in the first place, I think, by my hon. friend opposite, the Director of Public Works. It has been advocated by myself and several others, and I think Mr. Rumjahn, an ex-member of the Sanitary Board, also advocated something of this kind. Now, Sir, let me put the case from the opposite side: supposing you disagree, Sir, to this third resolution, I would want to know in the peculiar circumstances of this Colony, and the peculiar way in which the houses are constructed, and the peculiar way in which the land is portioned out, a better solution of the difficulty. As hon. members know, and the public know, houses of the Chinese type are far too long for their width, and air and sunlight can be introduced into the house only from the front, and with difficulty from the back. In the front there is always a lane or a public road measuring from 20 to 30 feet or more. Thus light can be fairly introduced into the front part of the building. Then, after a great deal of difficulty and a great deal of legislation we have compelled a back yard to be provided varying from a few feet, to say, twelve or fifteen feet. When a back yard like that, or a back lane exists, then a certain proportion of light and air can be introduced into the rear; but the light will never be able to penetrate to the middle of the house. These houses, as I stated before, have an average depth of fifty feet with only a narrow frontage, the internal measurement being about 13 feet, Lateral windows are therefore absolutely necessary in order to give sufficient light and air to the house. Indeed, Sir, I find in the proposals of the Government on the recommendations of the Sanitary Commission, laid on the table at the last meeting, there are two paragraphs Nos. 3 and 4

setting forth the Government's intention to insist on the provision of lateral windows, and to grant certain concessions to house-owners having such lateral windows in their houses (reads). Now, Sir, in houses erected on land hitherto unoccupied by domestic buildings, your proposal to insist upon lateral windows would be all right, but I want to know in other cases, when contiguous houses are being rebuilt, how on earth are you to insist on the provision of lateral windows opening into external air without resumption of portion of the land in occupation of particular landowners. It is the resumption of third houses, and that alone, that can give you the means of insisting on lateral windows. You may insist, but it could not be done otherwise, as it is physically impossible, and that is why I say the scheme for pulling down the upper storey of every third house is the only scheme which promises to be effective; in fact, the only possible scheme. And yet, I should be very glad indeed if any hon. member, or any one of the outside public, could point out a possible plan that would not necessitate the resumption of property already in occupation. As to resolution 4 "That the principle of just compensation should be recognised in such a scheme," this is the crux of the question. The rejection of the scheme, as I stated before, was owing to the Government's refusal to grant any just compensation, but I have shown you, while speaking on the third resolution, that compensation is not given for the loss of cubicles, but for open space—in fact, for the resumption of a certain portion of land thrown open as open space in order to admit additional air and light into the surrounding houses. Now the Government may say that even if they accept the principle of compensation in carrying out this improvement, they have not the means of doing so. The estimated amount is very large, viz, \$8,000,000, but the Government need only contribute either a third or half of it, which would amount to about \$3,000,000 or \$4,000,000. How are the Government going to get that money? Now, Sir, in the first place I would remind hon. members that the money is not required all at once. In fact, the scheme requires a number of years to carry out. The quickest time in which we could accomplish it would be from five to six years, and the longest time from ten to twelve years. Then how much does it cost the Government annually to carry out a scheme which promises to put an end to a most difficult question concerning the sanitation of this Colony? Say we are to expend the sum of \$4,000,000 which we will assume to be a loan at 3 1/2 per cent. for fifty years, and allow one per cent. to go to sinking fund (which I am told would be sufficient in fifty years to pay back the capital bond) that means 4 1/2 per cent. Then it costs the Government \$180,000 a year, and that is all, and in fifty years the whole of the interest and principal will have been paid off. Now, gentlemen, is there any difficulty to find this \$180,000 a year? I say there is none whatever. Every year the Government has spent

something like \$500,000 on its Sanitary Department. I have not the exact figures at my finger's end, but at the same time I see from the report of the Commission, and also in the estimates for last year, that the average is a little under that figure. Now, if we can make a final settlement of the cubicle question, and if we can improve the admission of light and fresh air into domestic buildings, then we have done a very great deal toward the improvement of the sanitation of the Colony. We would have no need then to pay large sums of money each year for disinfectants, for what disinfectants in the world are better than sunlight and fresh air. We wouldn't want such a large staff of sanitary inspectors, and we wouldn't want a great number of other things that we deem to be necessary in the present sanitary condition of the Colony. I submit, Sir, that we could easily save from one quarter to one half of the annual expenditure of the Sanitary Board, and this saving would be enough to meet the whole or the major part of the annual payment on account of the loan. Supposing the Government is adverse to the raising of a loan, then has it the means to carry out this scheme? I say yes, within a very reasonable time, about ten years or so. Since 1903, I think it was in 1903 that it was resolved by the Government to lay aside annually a considerable sum of money for the resumption of insanitary properties, I believe two or three votes amounting to over half a million dollars have been recommended and passed by this Council. The area that was resumed is still in the hands of the Government—I refer to the Kau U Fong resumption. A large number of houses at Kau U Fong have been resumed and pulled down, new streets have been constructed, and lots of land have been put up to public auction but the Government did not realise the figures they expected, and I believe the land still remains in the hands of the Government. Now, Sir, I believe if the Government were to devote this money, say a quarter of a million dollars annually towards the resumption of every third house, or to contribute towards the cost of resuming every third house and converting it into open space, the Government would be able to do it within ten years, and without spending, as it were, anything extra from the revenue of the Colony. Now, Sir, I think I have covered most of the ground necessary for the support of the resolutions. Resolution five is simply brought forward to have some representative persons to take the matter into careful consideration, and to report to the Government or make known to the public whether the

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contained in Resolution 3 is desirable and practical or not. I may have to ask leave after the discussion to amend No. 5, because I feel that the limitation to certain members of council official and un-official, is undesirable. So, with your leave I will amend that clause to read that the committee to be appointed should consider on what principle compensation must be awarded and generally as to the manner in which the scheme should be carried out. I ask leave to strike out the words three officials and three unofficials of this Council. I do not intend, Sir, to occupy the time of this Council longer, because I desire to have a full discussion on this question, and to hear the remarks of hon. members on this subject. I shall reserve my remarks on the landlords' point of view till I reply to hon. members. With these remarks I beg to move the resolutions which I have read.

The Hon. Mr. WEI YUK—I have much pleasure in seconding that resolution.

Hon. Mr. OSBORNE—Sir, there is probably no section of the Public Health and Building Ordinance which in its administration has provoked so much hostility, so much bitterness of feeling, or caused so much personal discomfort to the Chinese as that section which deals with cubicles. Conceived in ignorance of the origin of cubicles, of their utility, of their necessity to the working classes of this Colony; or conceived in thoughtlessness, this measure, intended for the welfare of the people, is undoubtedly excellent in theory but impossible in practice; and so indeed will it be with any new legislation on the subject which ignores the interests and prejudices of the persons most concerned—whether those persons be of the labouring or the landlord class. Cubicles, Sir, are not a condition of the normal life of Chinese in China; there is, I believe, nothing of the sort in Canton and it follows therefore that their adoption in Hongkong arises, not from choice, but from necessity. And it is clear that on account of the limited areas available for workmen's dwellings, the general high cost of living, and other conditions peculiar to Hongkong, one of three things must happen. Either wages must rise so as to enable the working man to rent a whole floor instead of sharing it with others, as he does at present. Or some such scheme as that now under discussion, involving as it does eight millions of dollars, will need to be undertaken. Or the cubicle must remain. Experience during the last few years has already taught us that local economic conditions will not permit of wages rising to such a level as to enable the working man to hire the whole or even half a flat, and any measure which tends to increase the cost of labour in Hongkong will react prejudicially upon the Colony's interests and is, therefore, to be discouraged. As to the proposal to remove the upper storeys of every third house, the scheme, as an idea is Arcadian, is excellent,

but is, I fear, beyond the sphere of practical work. No doubt it would vastly improve the health of the Port, so would any other scheme having the same object in view regardless of cost; but remembering what your Excellency stated at this Council meeting last Thursday, and more especially in view of the threatened loss of so large a proportion of our revenue by the abolition of Opium smoking, I cannot share the complacency with which the hon. the senior unofficial member appears to contemplate an expenditure of eight millions of dollars on what is after all only an experiment, which may or may not prove to be successful, without some very strong evidence that practical and beneficial results will follow. Such evidence, I claim is not forthcoming, for beyond mere assertion and theory there is no justification whatever for supposing that with the introduction of lateral windows plague will cease. My own experience shows that plague, which in a certain block of houses where no cubicles existed was at one time rampant, disappeared absolutely under the influence of cleanliness and the destruction of rats and vermin, and as I have already pointed out, Canton, a city without cubicles, has suffered in like manner with ourselves. There being, therefore, no reasonable grounds for supposing that an expenditure of eight millions in removing walls will purchase immunity from disease, whilst we have every reason to believe that cleanliness, which costs next to nothing, will at least assist largely towards that desirable end, I think we cannot do better than concentrate all our energies and resources in the enforcement of greater cleanliness and the destruction of rats and body vermin, which are recognised as being one of the principal channels by which the disease is conveyed to man. Notwithstanding what has fallen from the lips of the senior unofficial member I am in favour of allowing the cubicle to remain so long as it is constructed of a material that will not harbour vermin, and I feel sure, Sir, that with more effort directed on the lines I have indicated, we shall eventually succeed, perhaps not in stamping out plague altogether, but in reducing it to such small dimensions that the Colony of the future need suffer neither fear nor shame. (Applause.)

THE DIRECTOR OF PUBLIC WORKS—Sir, It is with considerable gratification that I heard the hon. senior unofficial member of this Council advocating the scheme which I laid before the Government now nearly six years ago with a view to overcoming the difficulties which had arisen in dealing with the cubicle question. I think, Sir, that the hon. member was under some slight misapprehension when he said that Ordinance No 1 of 1903 was passed without making any provision for that scheme, because under Section 46 of the Ordinance a proviso was added to the effect that any cubicle in any
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domestic dwelling which had a window or windows opening directly on the external air might be inhabited in the proportion of one adult for every 30 square feet of habitable floor space. That, Sir, was intended to encourage the adoption of this type of house to which he has referred. A great deal has been said about the expenditure that will be incurred by its adoption, but if hon. members will look carefully at the drawings which have been put in front of them they will see that while under the present law three ordinary houses will occupy an area of 3000 square feet and will only accommodate 34 persons per floor, two houses of the new type of equal size will occupy 2553 square feet and will accommodate 42 persons per floor. It may seem a little curious to refer to houses occupying different areas as being of the same size, but that arises from the fact that the buildings are of identically the same dimensions—50 feet by 45 feet—but there is a diminution in the space required in the rear of the new type of building. That being so if any owner of a block of houses should need to reconstruct his block there can be no hardship to require him to build in accordance with this new type. I fail to see in what respect he suffers any loss whatever. He can accommodate an increased number of persons in the same space and can construct his building without any additional expense, or if there should be any additional expense it would be very slight indeed—I should say that the balance would be in favour of the new type of house. I confess, Sir, that very considerable difficulty exists in dealing with houses each of which is under separate ownership. It is a most troublesome problem and will have to be carefully considered. Certain of the owners must benefit at the expense of the others. It would seem only fair that these owners should be called upon to contribute very largely towards the cost of carrying out any such scheme. The senior unofficial member made reference also to the loss of cubicles which would be entailed by the scheme, but that is not so. The plan shows that under the new scheme there will be 10 cubicles in each floor whereas in the existing type there are only nine cubicles in the three houses so that there will be no loss on that account. The matter will require to be very carefully gone into and it would be somewhat rash to submit any scheme or proposal that would establish the principle of general compensation as is now proposed. In many cases buildings in the city will have to undergo reconstruction within a moderate term of years, because they are old and in a very dilapidated condition, and if owners of these blocks when rebuilding are required to reconstruct their houses upon this improved type I do not see that there would be any hardship upon them or any cause for complaint (applause).

The Hon. Mr. HEWETT—Your Excellency, I would like to make a few remarks with regard particularly to what has fallen from the senior unofficial member in

proposing the resolutions now before this honourable chamber. In the first place I trust I shall not be ruled out of order in saying that I regret the question has been approached in the way it has. The discussion, I trust, will be of very great benefit to all of us and assist in arriving at a proper decision to do what is the best possible in the matter of reform to be carried out in the interests of the Colony, but personally I should have preferred that the whole question should have been dealt with on broader lines than we have been asked to do under these resolutions on the subject of cubicles alone. Important as that question is, I should rather be asked to debate on the whole and more important question, as the greater includes the less. In this case the cubic's question is the less and a debate on the whole question, as dealt with by the report of the Sanitary Commission, and as to what reforms in the administration of the Sanitary Department should be carried out in the interests of the community and also what, if any, alteration should be made in the existing Ordinance dealing with the public health of the Colony, is I take it, Sir, the proper way to approach this subject. I regret very much that my hon. and learned friend on my left should not have seen it from that point of view instead of dealing with the comparatively speaking smaller phase of the question. However we have to deal with the resolutions as they are now before the hon. Council. The hon. unofficial member on my right has practically expressed views with which I am in absolute agreement. I cannot at all agree with the hon. senior unofficial member in this matter of the changed style of buildings throughout a large section of the Colony, or that the question of eight million dollars, the estimated expenditure, has been satisfactorily solved. I am confirmed in my opinion by the remarks made by the hon. Director of Public Works. The hon. and learned member on my left spoke of the Government paying compensation in the event of every third house being pulled down but unfortunately he did not go into details to show that compensation should be paid to the landlords of the first and third houses when the Government had enforced the principle of pulling down the intermediate houses. It appears to me that this would entail considerable expenditure—how much it is impossible to say—but we all know the style of building which exists in Hongkong. I do not say that they are altogether jerry built, but they are not of a very high standard. The proposal to take a block of houses and pull down every third house would considerably weaken the others. It is also proposed to insert four or five lateral windows in each wall of each floor. It is very obvious that if you are going to cut four or five windows on each floor in what has hitherto been a party wall the probability is that the

whole of that wall will have to be rebuilt. I think that we can take it that the cost to the landlords will be very great. The Director of Public Works stated the advantages to the landlords in improvements to the property would be so very great that it would justify the Government in asking them to contribute very largely to this scheme. The present style of house accommodates 34 people, but after the Government had pulled down every third house the landlord would have to contribute to the cost of strengthening the walls of the remaining houses, and under the new scheme there would be 42 people in two houses instead of 34 in three. The landlords would have to contribute very largely and though the increase in revenue would be something like 25 per cent. possibly a very large capital expenditure would be necessary to alter these properties. Furthermore the Director of Public Works seemed to lay a certain amount of emphasis upon the lesser amount of ground space to be occupied by two houses as against the three. The hon. member overlooked the fact that in order to make the lateral windows legal they would need to have 13ft. external air. The plan shows the width of the house to be pulled down as 13ft. 6in. In any case you would have to allow 13 feet. Suppose a man has a piece of ground big enough to build three houses upon under present conditions and is called upon to build two houses under the new scheme, these two houses have to occupy the same area within six inches in width of the existing building and the capital expenditure for the land therefore must remain the same.

THE DIRECTOR OF PUBLIC WORKS—I think the hon. member overlooks the question of the open space in the rear.

The Hon. Mr. HEWETT—Not at all. I am going by the plan and I think I am right. Referring to the definition of external air, windows to be windows must open into external air having a width of thirteen feet. If I am wrong the Director of Public Works will correct me. I think I am right in this instance. Therefore, Sir, if that be so, my contention is that two houses under the new scheme will occupy the same space as three, and therefore it does not appear to me that there will be any advantage to the landlord to pull down an existing house. In fact I am prepared to believe—I am open to conviction as the question has been sprung upon me—that from an investor's point of view, and that is the point of view we must consider, it is better for the landlord to continue this somewhat unsatisfactory style of house rather than incur a very considerable expenditure in improving for the public good his property when he is not going to benefit by it. I understood from the hon. senior unofficial member—as far as I can follow him—that the landlord of the two surviving houses would not apparently incur a very large expenditure. No doubt we will have the advantage of his views on that point later on. But I cannot see from

his remarks in submitting his resolutions to this hon. chamber that the objection from the landlord's point of view to these alterations in the style of house has been removed. The hon. member said there was no practical difficulty in the reconstruction of these walls. I have already dealt with that point. Now, Your Excellency, the fourth resolution deals with the question of just compensation. In your opening remarks your Excellency, referring to the question, made use of the word "honesty" and pointed out that the official community appeared to be exercised over the use of the word "honesty" as having been an attack upon themselves. That was not in my mind. There are two forms of honesty. There is the honesty of the individual, and any attack on this honesty is very serious. There is the honesty which I may call political, the honesty of governments. As we all know that is a very loose term—perhaps not a very nice one to have to apply to a government you are criticising, but after all it is a very old question. The term has been used in connection with the spoliation of the publican and the spoliation of the Irish Landlord which are or have been burning questions at home. As I pointed out at the last meeting the question of the spoliation of the landlord—I use the word not in its offensive sense—has been more honestly dealt with by the Home Government than by the Government of this Colony who made a mistake when this Ordinance was introduced.

His EXCELLENCY—That is not admitted.

The Hon. Mr. HEWETT—I beg your pardon.

His EXCELLENCY—That is not admitted.

The Hon. Mr. HEWETT—No sir, I understood that from your remarks; but with all due deference to your Excellency I maintain that where the Home Government has provided for compensation I think I am perfectly justified in drawing a parallel between the Public Health Act of 1875 and Section 175 of the existing Hongkong Ordinance of 1903.

His EXCELLENCY—I do not admit that that Act dealt more generously than our Act, but even if it did there are imperial Acts subsequent to that Act and other municipal Acts which have formed precedents.

The Hon. Mr. HEWETT—That is so, your Excellency, but I believe the main principle laid down in that Act still obtains and that where a man is called upon by the law to effect certain alterations in his property he is fully compensated. Under Section 175 dealing with these improvements forced upon the landlord by the Ordinance of 1903 no compensation is granted at all. I maintain that is wrong. It is spoliation of the individual on the part of the community as represented by the Government in the interests of the community at large. With regard to the question of finance I am absolutely in
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the hon. member on my right. I have always maintained that in a colony like Hongkong—speaking as I do after a great number of years of personal experience—the only way in which we can maintain our proper financial standing is, so far as possible, by paying for all our public works whether remunerative or unremunerative out of current revenue, and on no consideration should our credit be touched unless it is absolutely necessary to do so. I maintain that no case has been made out to justify our trenching on our credit to the extent of eight millions. We all know that estimates are very unreliable and the probability is that instead of the cost being eight millions the amount required would be far greater. I personally would be very strongly opposed to entering upon any such scheme, particularly one which to my mind has not been thoroughly discussed and which I am not convinced will give the result which is hoped for it when we rashly embark on such a scheme and pledge our credit to the extent of one and a half millions sterling or a little more. There is one point on which I am glad to find myself in agreement with the hon. member on my left. That is, I do think to a certain extent that some of the money required to improve the sanitary condition of the town might be obtained by more economical control of the Sanitary Department, but that, after all, is another matter. With regard to the fifth resolution, I think it is altogether premature to appoint a committee, whether as originally proposed or with the alteration suggested by the hon. and learned member. I think myself, as I have stated, that his remarks go too much into small details. There is a wider and deeper question to be considered. If then, after full discussion, and when the report of the Building Ordinance Commission and memoranda of the whole question have been thoroughly threshed out and carefully considered, and possibly when the assistance of certain experts has been obtained, then, and not till then, when the new draft Ordinance comes before the Council, the advisability of appointing a committee can be considered. I very much regret to find that in this particular case I am in opposition to the senior unofficial member of the Council, but as matters now stand I find myself quite unable to vote on these resolutions, and I sincerely trust the proposer and seconder will be satisfied with the discussion that has taken place. The remarks made will no doubt be dealt with in your Excellency's reply, and I trust, that being so, the hon. members will be satisfied with the discussion and not press for a division.

The COLONIAL SECRETARY—I will not detain the Council long, as I just wish to make a statement of the Government's policy. The Government has no objection to the passing of Resolutions 1 and 2. As regards 3 and 4, they are not prepared to accept them at present: and as regards No. 5, would the hon. member who moved the resolution withdraw it in favour of another one something in this form, which I shall bring up at the time the division is taken—"that a representative committee be appointed to consider and make suggestions for dealing with the cubicle problem generally." If that resolution is acceptable to him, the Government have no objection to it.

Hon. Dr. HO KAI—Sir, in reply to the remarks of the Hon. Mr. Osborne stating that cleanliness together with the extermination of rats would be all that was necessary for sanitary improvement, and that he does not believe light and fresh air to be necessary—

Hon. Mr. OSBORNE—No, Sir. Excuse me, I didn't say that.

Hon. Dr. HO KAI—I understood you advocated that cleanliness, and the extermination of rats would rid the Colony of plague without lateral windows or any other means of improvement?

Hon. Mr. OSBORNE—Without lateral windows, that's my point.

Hon. Dr. HO KAI—That is to say you let houses remain constructed as they are now?

Hon. Mr. OSBORNE—Yes.

Hon. Dr. HO KAI—Personally I wish I could believe in that: but we are not the medical experts responsible for the sanitation of the Colony, and if you can convince the scientific and medical men of that, I think we have gained everything. But I am afraid that you require a good deal more—in fact, plague may be said to be a disease which arises not from uncleanliness, but from bad light and air—from the exclusion of sunlight and fresh air. Now as regards his remarks upon the Colony bearing the cost of this large sum of a few million dollars. The Colony is bearing a much greater loss from year to year owing to its insanitary condition. Shipping firms have lost a great deal of money on account of the quarantine laws and other things; tradespeople and manufacturers lose very large sums of money yearly; landlords and tenants also suffer, because putting up cubicles and knocking them down again costs a lot of money; then also the Sanitary Commission found that a large amount of money was wasted in carrying out certain supposed sanitary improvements in houses which had to be renewed again after a little time; by the payment of large sums of money into the hands of subordinate officers as bribes; also in concreting houses and so on. All these represent a very great loss to the Colony every year. Then the increasing of the Sanitary Staff from year to year involves a very large expenditure. But is it not wise to expend a large sum of money at one time to get everything in order, and thereby

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saving annually? As regards the remarks of the hon. Director of Public Works, I think, he must have misunderstood me altogether. I never made the remark that the new style of house would involve the loss of cubicles; rather I said it would increase the accommodation, because, as anyone looking at this plan will see, the kitchen is placed in a space previously occupied by the third house, and cubicles can be built right along the side, therefore the house can contain many more. What I meant was that the Government refused to give compensation, because they said compensation would be given to the landlords for the loss of cubicles. I say that is wrong. It is not given to the landlords for the loss of cubicles, but in return for the resumption of certain land to convert into open spaces, thus giving facility for lateral windows. As regards the remarks of the hon. member on my right to the effect that he would have preferred the whole question to have been raised rather than the question of cubicles alone, I regret I could not take up the whole subject at the present time. The subject is a very big one and besides we have several other important questions which call for consideration. It is quite premature in my opinion to force the Government to a discussion of the whole sanitary question. Besides, when you deal with this question satisfactorily it will go a long way to settle the whole sanitary problem of the Colony. Now the hon. member asked what advantages the landlords gain in order to overcome the objection to the large expenditure in the strengthening of walls. Well, if the hon. member will only look at the plans before him he will find there the advantages which the landlords will derive by coming under the scheme. In the first place the landlords on either side will gain an increased accommodation of over fifty per cent. The rental of the houses must depend of course upon the number of persons the houses can accommodate. Now if you look at the plans of the three houses of the old type you will see that they could only accommodate 34 persons on one floor. On the other hand two new houses with lateral windows will accommodate 42 persons per floor. That is to say the old type of houses under the existing law would, as far as accommodation is concerned, equal about one half of the capacity of the new. Suppose each person would give a dollar for their lodging the three old houses altogether would only realise \$34 per floor whereas the two new houses would realise \$42. Besides they have latrine and kitchen accommodation occupying about one-third of the resumed space. That represents a free gift of a third of the space to them. Therefore they should contribute towards the compensation given for these open spaces and also toward the cost of strengthening or rebuilding their walls. Supposing the reconstruction of a wall is necessary I suppose it would cost about \$2,000. The hon. Director of Public Works may perhaps be able to give us the figures. Say a wall 50 feet long, about 40 feet high, what would be the probable cost of reconstruction, something like \$2,000?

The DIRECTOR OF PUBLIC WORKS—Less than that. The cost of building an ordinary Chinese house is about \$4,500.

The Hon. Dr. HO KAI—A wall like that ought not to

cost more than \$1000?

The DIRECTOR OF PUBLIC WORKS—About that.

The Hon. Dr. HO KAI—Thank you. I don't think there is anything more to answer.

His EXCELLENCY—I am very glad that the senior unofficial member brought forward these resolutions, although the Government is not able to accept them in their present form. The question involved is one which, in my opinion, transcends in importance all other sanitary questions at the present time. It involves the housing of the Chinese population of this busy city and of the growing city in Kowloon. (Dr. Ho Kai—hear, hear.) Now, gentlemen, let me remind you that the question of restricting cubicles emanated from the Insanitary Properties Commission to which I referred the other day. That led to certain legislation and afterwards at the request of the civil community sanitary experts visited this colony and again examined its sanitary condition. Those experts advised that in the future windowless cubicles should not be allowed and the present Public Health and Buildings Ordinance was framed in order to prevent the existence in the future of such windowless cubicles. That is the history of the question in a nut shell. We have admitted that the law as drafted is not operative. The question is—Shall we sit down and do nothing to improve the housing of our population, or shall we endeavour to improve it? An hon. member has referred to the housing conditions in Canton. Well, there is not the slightest doubt that the Chinese population in Canton is better housed than the population of this wealthy Colony. I think that our endeavour should be to wipe out that disgrace, for it is a disgrace. What measures are best to be adopted in that behalf I am not prepared to say, but the Government propose to appoint such a committee as is asked for by the mover of the resolution in order that this very difficult problem may be thoroughly examined by persons who have knowledge of the subject, by persons who have vested interests, and by independent persons even though they have expressed opinions adverse to those entertained by the mover of the resolution. When we have the result of the investigation and any suggestions that

they may have to offer, I have no doubt that the Government will be in a much better position to come to some conclusion as to what ultimate shape the section in the amending Ordinance will take which will deal with cubicles. If the hon. member will accept the resolutions in their amended form they can be now put, but if he wishes the resolutions put as they stand the Colonial Secretary will put his resolutions as amended.

The Hon. Dr. HO KAI—I accept the suggestion made by the Colonial Secretary.

The Hon. Mr. WEI YUK—I agree.

HIS EXCELLENCY—The Government's position is that they propose to accept Nos. 1 and 2 and 5 amended. As at present advised they cannot accept Nos. 3 and 4. With regard to the latter, would you prefer that they be put to the vote.

The Hon. Dr. HO KAI—I would, Sir.

Resolution No. 1 was put and carried nem con.

Resolution No. 2 was put and carried nem con.

Resolution No. 3 was put.

HIS EXCELLENCY—I think the ayes have it.

The Hon. Dr. HO KAI—Divide.

On the vote being taken the Hon. Dr. Ho Kai and the hon. Mr. Wei Yuk voted for the resolution. The remainder voted against it.

Resolution No. 4 was put.

HIS EXCELLENCY—I think the ayes have it.

The Hon. Dr. HO KAI—Divide.

The Hon. Dr. Kai and the hon. Mr. Wei Yuk voted in favour of the resolution and the remainder voted against it.

Resolution No. 5 was put and carried nem con.

HIS EXCELLENCY—It only remains for me to nominate the committee. I do not know whether they will all be willing to serve, but we will write to them officially to-morrow. I nominate the Colonial Secretary who is treasurer, and who will stand for finance, the Director of Public Works who will stand for engineering, the Medical Officer of Health, who will stand for public health, the Senior Unofficial Member who has brought forward these resolutions, and will stand for the interests of the Chinese community, the Hon. Mr. Henry Keswick, who will stand for the European property owners, the Hon. Mr. Wei Yuk who will represent the Chinese property owners, Mr. E. A. Ram, senior representative in the Colony of the local practicing architects (I understand Mr. Danby is much engaged at Canton), and Hon. Mr. E. Osborne who will stand for the monumental common sense for which he is most justly celebrated. (Applause.)

QUESTIONS.

The Hon. Mr. HEWETT then asked the following

questions standing in his name:—

1. Will the Government state if it is proposed to recognise the special services rendered by certain Government Officials in connection with the Commission appointed to enquire into the working of the Public Health and Buildings Ordinance?

2. If so, what, if any, special remuneration is it proposed to grant for the extra work undertaken by the following members of the Hongkong Civil Service?

Mr. Bowen-Rowlands.

Mr. J. Dyer Ball.

Mr. A. Chapman, V.D.

3. Will this remuneration, if granted, be dealt with by a special vote in the Legislative Council?

4. If not, has the proposed amount been already included in some previous vote, if so, which vote, or will the sum granted to those officials be paid out of Miscellaneous Charges?

The COLONIAL SECRETARY replied — The Government propose to grant to Mr. Bowen Rowlands, Mr. Dyer Ball, and Mr. Chapman a sum of \$200 each and to Mr. Wong Kwongtin, first Interpreter in the Registrar-general's Department, a sum of \$50 in respect of the services rendered by them in connection with the Commission. Financial Minute No. 16 of 1907, which was recommended by the Finance Committee on the 16th May and approved by this Council on the 23rd May, included a vote of \$650 for this purpose. The payments await the sanction of the Secretary of State.

HIS EXCELLENCY—The Council is adjourned till this day week.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held afterwards, the Colonial Secretary presiding. The following votes were passed:

JUDICIAL DEPARTMENT.

The Officer Administering the Government recommended the Council to vote a sum of two hundred and fifty-two Dollars (\$252) in aid of the vote Judicial and Legal Departments C.—Law officers, other charges, typewriter.

The Officer Administering the Government recommended the Council to vote a sum of fifty Dollars (\$50) in aid of the vote, Judicial and Legal Departments, B. — Magistracy, other charges, advertisements.

EDUCATIONAL.

The Officer Administering the Government recommended the Council to vote a sum of five hundred and ten Dollars (\$510) in aid of the vote Education, A.—Department of Inspector of Schools, Victoria British School, personal emoluments (Head Master, house allowance).

PUBLIC WORKS EXTRAORDINARY.

The Officer Administering the Government recommended the Council to vote a sum of three thousand eight hundred and forty-nine Dollars (\$3,849) in aid of the vote Public Works Extraordinary, Miscellaneous, Reconstruction of Retaining Wall at

Braeside Inland Lot No. 1523.

The Officer Administering the Government recommended the Council to vote a sum of two thousand five hundred and fifty Dollars (\$2,550) in aid of the vote Public Works, extraordinary miscellaneous, Queen's College latrines and urinal.
