

21ST DECEMBER, 1911.

**PRESENT:—**

HIS EXCELLENCY THE GOVERNOR, SIR FREDERICK JOHN DEALTRY LUGARD, G.C.M.G., C.B., D.S.O.

HON. MR. C. CLEMENTI (Colonial Secretary).

HON. MR. C. G. ALABASTER (Attorney-General).

HON. MR. A. M. THOMSON (Colonial Treasurer).

HON. MR. W. CHATHAM, C.M.G. (Director of Public Works).

HON. MR. E. R. HALLIFAX (Registrar-General).

HON. CAPTAIN F. J. BADELEY (Captain-Superintendent of Police).

HON. DR. HO KAI, M.B., C.M.G.

HON. MR. WEI YUK, C.M.G.

HON. MR. H. E. POLLOCK, K.C.

HON. MR. E. A. HEWETT.

HON. MR. C. H. ROSS.

HON. MR. E. OSBORNE.

MR. C. H. CROFTON (Clerk of Councils).

**Minutes**

The minutes of the previous meeting were read and approved.

**Financial Minutes**

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table Financial Minutes No. 102 to 110, and moved that they be referred to the Finance Committee.

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

**Financial**

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table the report of the Finance Committee (No. 22), and moved its adoption.

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

**Papers**

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table the report on an Investigation of the Pokfulum Water Supply by the Government Bacteriologist.

THE DIRECTOR OF PUBLIC WORKS, by command of H.E. the Governor, laid on the table the report of the Public Works Committee, No. 4.

**The Badge of the Colony**

THE COLONIAL SECRETARY—Sir, I beg to lay upon the table for the inspection of honourable members a drawing of the present badge of this Colony. It is a somewhat elaborate picture intended apparently to represent Hongkong harbour and to symbolize the good-will existing between the British and Chinese colonists. Beneath a green sky—the like of which I have never seen in Hongkong—stands in the back ground a greenish-gray row of hills, and upon the top of the highest hill is a flag-staff. Presumably this represents the Peak; but then to the westward of it are three more hill-tops almost equally lofty, which certainly have no counterpart in Hongkong island. Victoria City is represented by four white-washed houses at sea-level. Then comes a sheet of water intended to represent the harbour, though it looks more like a river. Afloat in the stream is a sailing ship flying the white ensign, but of a type unknown in the annals of His Majesty's Navy. On board her are three sailors with brick-red faces and peculiar greenish-brown clothes and hats. To the right of this vessel is a Chinese junk under sail, manned by a crew of eight persons also brick-red in face and greenish-brown in costume. In the foreground is a yellow beach—Tsim-sha-tsui, I suppose; and at the waterside are six chests—perhaps the ill-disposed would say opium chests—the tops of which are painted red and the two other visible sides black and blue respectively. In front of the chests, shaking hands over a bargain, are a Chinese and a European—the former dressed in yellow

and green, the latter in yellow trowsers and a black swallow-tailed coat of eccentric cut stiffening out behind into two points of a darker black. The European is shaking hands with his left hand and the Chinese with his right. At the side stands another European, who has presumably lost the bargain and therefore looks askance at the other two. He is in the same remarkable costume as his more successful competitor. I may add that the artist—who has preferred to remain anonymous—is grossly ignorant of the laws of perspective and indeed violates every canon of art, European or Oriental. I think, therefore, that hon. members cannot but agree that this drawing is an offence not only against art but also against the Colony and should no longer be tolerated as our badge. There is, moreover, the further objection that a picture of such elaborate ugliness is difficult to reproduce and that, therefore, the copies made of it for various purposes rarely resemble each other. Thus the picture now laid on the table is different in many particulars from that in the seal of the Colony, which again differs from the reproduction on the notes of the Hongkong and Shanghai Banking Corporation; while the copies of this badge made by rule-of-thumb draughtsmen for insertion in the fly of the colonial flag are as various as they are hideous. I hope, then, that the Council will decide that it is high time to make a change in the direction of simplicity and to rid ourselves of a badge which does no credit to British artistic taste. The late Colonial Secretary suggested that a combination of the royal crown with the Chinese characters for Hongkong would form a simple and effective badge, and working upon this idea Mr. Gale, of the Public Works Department, has submitted the design which I now lay on the table. It is, I think, both simple and artistic. The British royal crown in this design is placed above a white shield on which the two Chinese words "Hong Kong" are inscribed in red seal characters. Such a design can be readily and exactly reproduced, it symbolizes the dominion of the British crown over a Colony in China, and it is both distinctive and decorative, contrasting very favourably with the unlovely series of badges collated in a volume published in 1910 for official use of the Flags, Badges and Arms of British Dominions beyond the Seas. Your Excellency desires that the resolution, which I now beg to move as printed in the Orders of

the Day, should not be put to the vote until the meeting of Legislative Council on Thursday next, so that in the meantime the members of this hon. Council as well as other residents in the Colony may examine the new badge at their leisure.

The resolution was as follows:

Resolved that the existing badge of the Colony is not only inartistic, but it is unsuitable for reproduction especially on flags, etc., and resolved therefore that the design laid on the table, being both simpler and more artistic, be substituted therefor.

THE ATTORNEY-GENERAL seconded.

THE COLONIAL SECRETARY—If no member wishes to address the Council, I move that the vote on the resolution be deferred until next meeting.

THE ATTORNEY-GENERAL seconded, and this was agreed to.

#### **University Further Amendment Ordinance.**

THE ATTORNEY-GENERAL moved that the Council go into Committee on the Bill entitled, "An Ordinance to further amend the University Ordinance, 1911."

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

HON. DR. HO KAI moved an amendment to section 2 providing that students who had joined the College of Medicine prior to March, 1910, should be entitled to receive the certificates of the College of Medicine on passing the necessary examinations and empowering the Court of the University to issue such certificates, on behalf of the College of Medicine.

HON. MR. WEI YUK seconded.

After further discussion,

HIS EXCELLENCY proposed that the clause 2 (c) of the Bill should be amended by substituting the words "Court of the University and the Court of the College of Medicine" for the words "Governor-in-Council," so that these two bodies could settle the matter together.

HON. MR. POLLOCK supported the motion. As the senior unofficial member had pointed out, certain students had joined the College of Medicine on the faith of certain promises and conditions, and he thought it was desirable that these promises should be fulfilled and the rights of these students preserved. It might be said that they were few in number, but he would submit that that was no argument. If there were only one person to whom a possible injustice might be caused it should be the duty of the Council to prevent it. The amendment would not affect in any way any student who had joined later than March, 1910. It was intended by that amendment not to confer any degree under the seal of the University upon the students who had joined the College of Medicine prior to March, 1910, but simply to give them the opportunity of getting a licence to practice medicine under the seal of the College of Medicine.

HIS EXCELLENCY said he sympathised with the motive underlying the amendment, but he thought it was inadvisable. The Court and Council of the University could surely be relied upon to honourably discharge all obligations to the students of the College of Medicine who entered the University. It did not seem to him that it was necessary to include in the permanent Ordinance arrangements of a temporary nature affecting a small number of persons. It was desired in the first place to give to these students permission to reside outside the University, and in the second place a reduction in the cost of their fees. Permission to reside outside the University could under statute 20 be granted at any time by the Council of the University in any exceptional case which might commend itself to them. In the matter of additional fees, there would be something like 20 scholarships available, and the senior unofficial member in talking over the matter with him had expressed the opinion that there would be no difficulty in finding scholarships for the students of the College of Medicine.

DR. HO KAI said this would entirely meet the difficulty, and he withdrew his amendment. The amendment to substitute the words as stated was accepted.

On resuming.

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee, and if no member objected he would move that the Bill be read a third time.

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

#### **Mercantile Bank Note Issue Ordinance.**

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to provide for the issue by the Mercantile Bank of India, Limited, of Bills and Notes payable to bearer on demand."

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

#### **Public Health and Building Amendment Ordinance, 1911**

THE DIRECTOR OF PUBLIC WORKS moved the second reading of the Bill entitled, "An Ordinance to amend the Ordinance relating to Public Health and Buildings." In doing so he said—This Bill has been amended and amplified since it was introduced in this Council. A new section, numbered 3, has been inserted with the object of making effective the provisions of sub-section 2 of section 153 of the existing Ordinance. These provisions were the outcome of recommendations made by a Committee appointed in 1907 to consider and make suggestions for dealing with the cubicle question. Its members were the Colonial Treasurer, who was Chairman, Messrs. E. A. Ram, E. Osborne, H. Keswick, Dr. Ho Kai, Wei Yuk, the Medical Officer of Health (Dr. Clark), and myself. The recommendations made by that Committee were as follows:—The Building Authority should have power by law to require that, in the case of domestic buildings erected on sites which were then vacant or which were occupied by domestic buildings of a European type or by any non-domestic building if intended for Chinese tenements, provision be made for the sub-division of each storey above the ground storey into rooms of a suitable area, the idea being to insist upon a proper provision of window spaces in such houses either laterally or in such other manner as the architects may be able to devise. Now, Sir, that

r e c o m m e n d a t i o n

was incorporated in the Ordinance, but difficulty has arisen over the use of the words "of a suitable area." It appears that so long as the condition of the upper storeys is such that they would be habitable the requirements as to suitable area is fully met, and accordingly the Building Authority has practically no power in the matter. The areas of cubicles vary from about 50 square feet to 100 square feet, and it is proposed to adopt 100 square feet as the area of possible future rooms into which buildings may be sub-divided. Under the existing law 64 square feet is the minimum area permissible in the case of cubicles, and that, Sir, is the reason for the introduction of the amendment. Section 3 in the original print is now re-numbered as 4 in the new print, and the first portion of the section appearing in the original print as No. 4 now appears as clause (a) of the proviso which has been added to section 4 in the new print. The provisions of the proviso have been extended so as to make it applicable to the raising of existing buildings on corner sites, and words have been added to cover the case of a building which abuts on more than two streets. As it has been pointed out to me that the distance of 40 feet from the wider or widest is somewhat inadequate, I propose to move when in Committee that it be increased to 50 feet. The distance of 40 feet is taken from the London Building Act. A proviso (b) has been added to cover the case of buildings extending through from one street to another without being on corner lots. In regard to proviso (a) it is not intended that in cases where an owner provides a lane alongside his building purely for his own convenience or purposes, such building shall be dealt with as occupying a corner lot, but in cases where a private street has been constructed affording access to buildings which front or abut on it a building situated at the junction of such private street with the public street would be treated as occupying a corner lot. In regard to proviso (b) it may be contended that the intention is to regulate the height of buildings by the scavenging lanes in the rear of these, as such lanes come within the definition of the word "street." There is no such intention. As domestic buildings must have an open space in the rear, it follows that the cases in which they abut upon the scavenging lane which has now to be provided in the case of such buildings will be few. If however, such cases occur, of

attempt will be made to take advantage of it in determining the height of any building. The second portion of section 4 in the original print now becomes section 5. It has been amended by specifying that the wall on which the height of a building is to be measured is to be the one adjoining the street which regulates the height of such building, and that, in the case of measuring the height on the opposite main wall, exception is to be made in the case of any such opposite main wall abutting upon a street. Sub-sections (2) and (3) of section 5 of the new print remain the same as sub-section (2) and (3) of section 4 of the original print. With regard to sub-section 2, it may be contended that very arbitrary powers are conferred on the Building Authority, but it must be borne in mind that under section 265 of the Ordinance all such powers are subject to the control of the Governor-in-Council. In the case of lots within the business and Chinese parts of the city, so long as an owner conforms to the building line of the street, in other words, the boundary of his lot or of any private street laid out, no question can arise as to how the height of his building is to be measured. There is, however, no obligation upon an owner to place his building on the boundary of his lot or of a private street, and the Government have been advised that as the law now stands the provisions of the Ordinance are not applicable to buildings which do not abut upon a street. It is obvious that some control should be exercised in such cases and that it should be possible for an owner to evade the provisions of the Ordinance by setting back his building line or boundary of the street. It has been suggested to me that if an owner chooses to set back his building the width of the street should be ascertained by measuring up to his building and the height of his building should be determined accordingly. While there can be no objection to such an arrangement in cases where the whole of the property on one side of a street is in the same ownership, it would obviously be objectionable to apply it to the case of individual buildings. Not only would great irregularity in height be likely to result, but there would be direct encouragement to owners to depart from the building line whenever they could gain anything by doing so. Assuming, however,

that if such an arrangement were made, it would not cover all cases, nor is it possible to devise regulations which cover all cases. Many buildings in the Hill district are remote from any road or street which could possibly be taken into account in determining their height, and the difference in width between the sites of the buildings and such road is so variable as to preclude any possibility of detining a relation between them. As regards the remaining sections of the Bill, they are entirely new. Section 6 makes provision for requiring architects to certify to the Building Authority that a building has been erected in accordance with the provisions of the Ordinance. At the present time an architect merely reports on the building which may not be occupied until the Building Authority has certified that the building is erected in accordance with the provisions. We propose to reverse that process, and empower the Building Authority to issue a certificate on the certificate of the architect. Provision is made for the imposition of a fee of \$25 where the architect has been careless in the issue of his certificate and where it is found that some discrepancy exists in the building and that it does not comply with the provisions of the Ordinance. Another section is aimed at stopping the practice of owners who have failed to have certain plans passed employing another architect to submit the same plans or plans with little modification. It is desirable that when once a plan has been disapproved no architect should be allowed to submit a somewhat similar plan and all the correspondence and argument to be gone over again. Therefore it is proposed to impose a fine of \$250 where such is obviously the case. If the fine is considered too severe it can be modified. With these explanations I move that the Bill be read a second time.

THE ATTORNEY-GENERAL—In addition to the alterations which have been pointed out by the hon. member on my left, clause 2 as it is printed is not quite in the same position as it was when it appeared before the Council a fortnight ago. It has been pointed out that there is no definition of "members of Council." There are two Councils. It is obviously intended as members of Executive and Legislative Councils. There are certain persons members of one Council and not of the other. When this Bill is in Committee I intend to propose another amendment to this section.

The amendment is this, that after the word "colony" in line 22 there should be added the words "professors, lecturers and other academic officers of the University," because if schoolmasters are entitled to vote professors should be allowed to vote also. I propose to move the addition of another clause after clause 2, so that the subsequent clauses will be re-numbered. Clause 2 amends section 43 of the principal Ordinance in consequence of a letter which was written by the Sanitary Board to the Colonial Secretary last year, which pointed out that the Sanitary Board had no power to revoke a permission granted in respect of certain premises, sanctioning their use for offensive trades. Under section 42 of the principal Ordinance provision is made by which the Sanitary Board is allowed to grant permission to persons who carry on offensive trades, and there is no provision for the revocation of such permission. Therefore, when the Bill goes into Committee I shall move that such provision be made.

HON. MR. POLLOCK—I desire to say that regarding clauses 4, 5, 6, and 7. of this Bill, I cannot congratulate the Government on bringing forward such clauses as a Government measure. This Bill was dated December 6 and was before the Council at its last meeting on the 7th. Since then other provisos have been inserted, which appear in the prints circulated only a few days ago, with other further amendments contemplated. Regarding clauses 4 and 5, the Hon. Director of Public Works seems to admit these clauses are not very satisfactory productions. He apparently thinks it a good thing, whenever some difficulty arises in drafting a Bill, to settle that difficulty by giving practically autocratic powers to himself as the Building Authority. I submit, with all due respect to him, that this is not a satisfactory way of dealing with such a question. Some of his remarks actually show that, if these powers conferred by the Bill were exercised by him as the Building Authority, that they would lead to unreasonable results in certain matters. There is no reason for this Council to pass a measure which an expert like the Director of Public Works admits might be pushed to unreasonable conclusions. It is

the first time, I think, in the history of Public Health legislation, that a Building Authority has taken such an extremely short cut, which may seem to him to be a very convenient short cut, but which is not the proper way of dealing with the many landed interests in this Colony. Legislation is attempted, which, if certain of its provisos were carried out to their fullest extent, would operate harshly or unfairly on property owners. As an instance of this I would point out that sub-section 5 of clause 4 confers most extreme arbitrary powers upon the Building Authority. The language is simply astounding. It says "no building which does not fulfil the provisions of sub-section 1, 2, 3, and 4 of this section shall be erected or re-erected or raised to a height exceeding such a height as the Building Authority may authorise." Anything more astounding than the language of this sub-section would be difficult to conceive. That means that in the case of a building that does not happen to be abutting on any street, the Building Authority has absolute power to say what the height of the building shall be: the Building Authority has absolutely unchecked power in that respect. If the building is set back in the smallest degree from the road or if it has land between it and the road or street, then the Building Authority can say this building can be 10 feet, 20 feet, 30 feet or 40 feet. He cannot disregard the general provisions of the law. He cannot sanction a building to be of greater height than 76 feet, but below 76 feet he can say absolutely what the height of the building is to be. He can do anything that he pleases, and the only excuse which he gives for such a clause is that it is very difficult. I should like to know what would be thought if a member of the British House of Parliament were to put forward a measure and say this is a very imperfect measure, but it is difficult to draft anything which is satisfactory. I would submit that clause 5, section 4, stands actually condemned by what the Hon. Director of Public Works has told us. Another clause which is very arbitrary is clause 5 sub-section 3, and the only excuse, if it be an excuse, which it is not, the only argument for allocating such powers to himself as Building Authority is that if sub-section 2 of clause 5 gives him absolutely arbitrary powers there is an appeal given under section 265 of the Ordinance to the Governor-in-Council. It is unfair that any arbitrary authority should be conferred on anybody. This clause is

equally arbitrary and absurd with sub-section 5 clause 4, and confers absolute discretion upon the Building Authority in the first instance. Another point for criticism in clause 4 is that it is proposed in section 188 of the Public Health and Buildings Ordinance of 1903 to alter the word "fronts" wherever it occurs to "abuts." This is apparently intended to make section 188 conform to section 189. It would be much more reasonable if section 189 were made to conform to 188. It should be fronting and not abutting. This is not a mere verbal criticism, because in paragraph (a) near the top of page 2 in clause 4 it would follow that when we get a short distance from the front which is now in the Bill 40 feet, beyond that distance you would have to regulate the height of the building by a lane at the side. Take the instance of the Hongkong and Shanghai Bank and the Chartered Bank. If these premises were burned down and had to be rebuilt the height would be regulated in accordance with the width of the street in front for a distance of 50 feet and for the rest of the distance back you would have the height regulated by a narrow side lane. The hon. member on my right says in carrying out the provisions of this Bill no attempt will be made to take advantage of its provisions in dealing with property owners. That is not proper legislation to pass. You don't want to pass legislation which depends for its operation upon the grace or favour of the Building Authority. I would submit that you ought not to pass any legislation at all which will confer upon anybody or any authority whatever powers which can or may be exercised in an unreasonable manner. With regard to clause 5, as hon. members will see, it substitutes a new section for section 189 of Ordinance No. 1 of 1903, but it will be noted in comparing that clause with section 189 of the Bill in line 12 there is a reference in that clause to the line of the nearest main wall. That, Sir, is different from the provisions of section 189 in Ordinance 1 of 1903, which says the height of any building shall be determined by measuring the line of the main wall both back and front. As the law at present stands you go by the

line of the main wall back and front, but not as is proposed in clause of 5 the Bill, by the nearest main wall. That might have the effect in some cases of lessening the height of buildings which is permissible by law. I would submit that this Council should be fully informed upon that point and an expression like that should not be put in the Bill which might have the effect of adversely affecting the height of buildings, without some very good explanation of the necessity for the change. Passing to clause 6, sub section 3 provides for a fine of \$25 being paid. The hon. member in a moment of unexpected candour referred to it as an imposition. It is an imposition. I would submit that no sufficient reason has been shown why that imposition should be inflicted. With regard to clause 7, I admit that the hon. member on my right has to a certain extent shown a grievance. It is very annoying that architects should be changed and plans modified and forwarded again. It seems to me that while it may be a grievance it is preposterous that a fee of \$250 should be deposited in that connection. I would also point out that these clauses, 6 and 7, upon which so far as I am aware the persons most nearly concerned, the architects, have had no opportunity of passing judgement at all—neither these clauses nor anything corresponding to these clauses appeared in the Bill on the 6th December, which I presume has been published in the Government *Gazette*—and yet apparently the Government contemplated when we began proceedings this afternoon that these clauses 6 and 7 should be passed through this Council without the smallest opportunity being given to those affected by the Bill, property owners or architects, of passing judgment upon these clauses. These are entirely new clauses since the Bill was first introduced, and certainly I do not think this Council should be asked to pass these clauses until the parties affected have had some reasonable opportunity of bringing forward criticisms in connection with them. For these reasons I shall feel it my duty when in Committee to move numerous amendments.

THE COLONIAL SECRETARY—Sir, I do not propose to reply in any detail to the strictures passed by the hon. and learned member on the Bill, as there will be a full opportunity for discussion in Committee. Many of the remarks made by him would have

been more appropriate to the Committee-stage. I wish, however, to remind the Council that the Bill was placed before the Sanitary Board, and the Board approved of it in its present form. I had a letter from the Secretary to the Sanitary Board two days ago informing me in that sense. I may say that but for the fact that the Sanitary Board approved of the Bill it would not have been brought forward in its present form. There is, moreover, no intention on the part of the Government to pass the Bill through all its stages to-day. The reason for the additions made to the Bill since our last meeting is the fact that the revision of the statute laws of the Colony is now in progress. The editor, the Chief Justice, has informed me that the type of the Public Health and Buildings Ordinance is now standing. It is desirable, therefore, that any amendments made in this Bill should, if possible, be included in the revision of the Ordinances now in progress, otherwise there will be the usual trouble of passing amending Ordinance next year. I hope, then, that the hon. and learned member will not oppose the second reading, but will allow us to discuss the Bill clause by clause in Committee.

The motion was agreed to.

Council then went into Committee on the Bill.

THE ATTORNEY-GENERAL moved that after the words "master of any school in the Colony" there should be added the words "professors, lecturers, and other academic officers of the University of Hongkong."

HON. MR. HEWETT—With regard to the words immediately preceding, "master of any school in the Colony," there is a large number of schools in the Colony run by Chinese literati. Unless there is some definition, these men would have the right to vote. There ought to be some modification.

HIS EXCELLENCY—It will not do to limit the right to vote to masters of Government and grant-in-aid schools,

because two of the important schools of the Colony, St. Stephen's and St. Paul's, do not receive any grant. I propose that the limitation should be defined as "masters of Government and grant-in-aid schools, and of such other schools as the Governor-in-Council may determine."

HON. MR. HEWETT—I want to cut out these irresponsible schools.

HON. MR. POLLOCK—Government grant-in-aid and mission schools.

THE COLONIAL TREASURER remarked that clergymen of the Church of Scotland were not included in the list of those exempted from the jury list and in the list of those entitled to vote.

THE ATTORNEY-GENERAL—He is either on the jury or he is exempt. If he is not exempt from serving on the jury he is down here in the first part of this section, because this section includes everybody on the jury list. The Jury Ordinance says that certain people shall serve on juries and that certain other people are exempt. Those people you mention are among those exempt. A clergyman of the Church of Scotland would be a Protestant dissenter.

THE COLONIAL TREASURER — Certainly he is not. He is a member of the Church of Scotland established.

THE DIRECTOR OF PUBLIC WORKS—It there any such person in the Colony as a clergyman of the Church of Scotland?

HON. DR. HO KAI—No.

THE COLONIAL SECRETARY—So far as this Ordinance is concerned there appears to be no need for this amendment.

HIS EXCELLENCY — What amendment have you?

THE COLONIAL TREASURER—I have none. (Laughter.)

The clause was then adopted with His Excellency's amendment.

The new clause 3 empowering the Sanitary Board to revoke a permission which had been

granted for carrying on offensive trades was then presented by the Director of Public Works.

HIS EXCELLENCY—The only comment I have to make is that perhaps the power to revoke licences after so short a period is too arbitrary to be given to anybody, to the Sanitary Board or any other body. Fat boiling establishments and other offensive trades may involve considerable outlay of capital and would hesitate to accept a licence which could be arbitrarily revoked.

THE ATTORNEY - GENERAL — It is subject to appeal to the Governor-in-Council.

The clause was agreed to.

On clause 4,

THE DIRECTOR OF PUBLIC WORKS—I move that a new proviso (a) that the word "fifty" be substituted for "forty."

HON. MR. POLLOCK—I move that clause 4 be omitted altogether. I have already pointed out that considerable alteration is effected in the law by altering the word "front" to the word "abuts." That makes the proviso with reference to not exceeding one and half times the width of the street applicable to side streets upon which the building fronts. In the case of the Hongkong and Shanghai Bank that might lead to a very absurd consequence. I also pointed out with regard to sub-section 5 the arbitrary powers conferred upon the Building Authority simply because a house does not abut upon the street. I am not going to repeat my arguments. I think this clause is absolutely faulty in its language and ought to be omitted altogether.

THE DIRECTOR OF PUBLIC WORKS—At the present time if a man has a wider street at the side of his building than in front he is debarred from benefitting from that wider street. In this alteration by using the word "abuts" he benefits by the wider street at the side of his property. The amendment is not aimed at curtailing the height of a building, but rather that it might increase it if the house is s o s i t u a t e d .

The amendment is made so that an owner might benefit by having the height measured in relation to the wider of the two streets. As regards the point raised in connection with the Hongkong and Shanghai Bank, there is no intention of applying any arbitrary measures in determining the height of these buildings. The lanes at the side of these buildings are provided purely for their own purpose. The idea that the property owner should be penalised because he provides a lane solely for his own purpose is absurd. If he chooses to erect his building in close contact with the adjoining building then the height of the building would be determined by the width of the street of which it abuts.

HON. MR. OSBORNE — The powers conferred on the Building Authority could be wrongly used if he wanted to?

THE DIRECTOR OF PUBLIC WORKS—If the Building Authority were foolish enough to attempt to exercise his power wrongly I presume his decision would be quashed by the Governor-in-Council.

HON. MR. OSBORNE—You don't want to put people to the trouble of appealing to the Governor-in-Council.

THE DIRECTOR OF PUBLIC WORKS—I can't imagine anybody having to appeal.

HON. MR. OSBORNE—Why not safeguard the public rights?

THE DIRECTOR OF PUBLIC WORKS—I have no objection if it can be devised.

HON. MR. POLLOCK—Surely language can be devised?

HIS EXCELLENCY—I suggest that this clause be left in Committee.

HON. MR. OSBORNE—I think the whole ought to be sent to the architects for their consideration.

HIS EXCELLENCY—We propose that the Bill should be left in Committee in order that the architects and others may have an opportunity of discussing it. If agreement is

not reached on any clause I would prefer to abandon it, and pass only such part of the Bill as can be included in the Revised Edition of Laws this year.

HON. MR. POLLOCK—I suggest that the other three clauses be left in Committee as well. I shall have to make the same motion with regard to all of them.

HON. MR. OSBORNE—I take it there is no objection to the Bill provided the Building Authority can be prevented from using his power unreasonably?

HIS EXCELLENCY—You desire to put in restricting words?

HON. MR. OSBORNE—Yes.

HON. MR. POLLOCK—As framed I would move its complete rejection unless some words can be devised to reasonably cover the point.

THE DIRECTOR OF PUBLIC WORKS—There is no desire on my part to acquire any unreasonable power.

The remaining clauses were left in Committee and the Council resumed.

#### **Statute Laws Amendment Ordinance, 1911.**

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Statute Laws (New Revised Edition) Ordinance, 1911." In doing so he said—Clause 3 introduces amendments which it was intended should be included in the revised edition which was to have been finished this year, but this was found to be impossible. It would be necessary to pass some of the revised Ordinances next year. This clause will enable that to be done. Section 4 provides for preserving copies of Ordinance passed in the registry and also declares that the new revised edition has been proclaimed and it shall be the only proper statute book in the Colony.

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

### **Kowloon-Canton Railway.**

His EXCELLENCY—I wish to read to the Council a dispatch which I have received from the Secretary of State and omitted to read before the Orders of the Day:—

Downing Street,  
16th November, 1911.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 352 of the 12th of October reporting that the Canton-Kowloon Railway was opened for through traffic on the 4th of October.

I have read with much interest the newspaper account which you forwarded, as well as the report of your remarks at the dinner which you gave in Hongkong to the representatives of the Chinese Government, and I desire to offer my congratulations to yourself and to the Colony on the successful completion of this important enterprise.

I trust that the British section of the line, both as a local undertaking and as a link with the general railway system of China, may bring increased prosperity to Hongkong.

I have, etc.,  
(Sd.) L. HARCOURT.

His EXCELLENCY — The Council will adjourn until this day week.

### **FINANCE COMMITTEE.**

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

#### **Coronation Illuminations**

The Governor recommended the Council to vote a sum of Seven hundred and sixty-two Dollars (\$762) in aid of the vote Miscellaneous Services, Illumination of Public Buildings in connection with the Coronation Celebrations.

#### **Railway Expenses**

The Governor recommended the Council to vote a sum of Fifty-one thousand six hundred and eighty Dollars (\$51,680) in aid of the vote Kowloon-Canton Railway, Working Expenses of Open Line.

#### **The Rioting in Des Voeux Road**

The Governor recommended the Council to vote a sum of Three hundred Dollars (\$300) in aid of the vote Miscellaneous Services, Compensation for damage to shop at No. 100, Des Voeux Road Central.

#### **Assessor's Office**

The Governor recommended the Council to vote a sum of Twenty-five Dollars (\$25) in aid

of the vote Treasury, *B.*—Office of Rates, Other Charges, Incidental Expenses.

### **Medical Departments**

The Governor recommended the Council to vote a sum of Six hundred and ten Dollars (\$610) in aid of the vote Medical Departments for the following items:—

*A.*—*Staff, Other Charges, Health Officer of Port:*—

|                              |       |
|------------------------------|-------|
| Coal, etc., for Launch ..... | \$150 |
| Incidental Expenses .....    | 20    |

*B.*—*Hospitals and Asylums, Other Charges:*

Civil Hospital:—

|                                |       |
|--------------------------------|-------|
| Analytical Apparatus, etc..... | \$ 20 |
|--------------------------------|-------|

Lunatic Asylums:—

|                               |     |
|-------------------------------|-----|
| Incidental Expenses .....     | 20  |
| Provisions for Patients ..... | 100 |

Victoria Hospital:—

|                               |     |
|-------------------------------|-----|
| Provisions for Patients ..... | 300 |
|-------------------------------|-----|

|             |       |
|-------------|-------|
| Total ..... | \$610 |
|-------------|-------|

### **Post Office Launch**

The Governor recommended the Council to vote a sum of One hundred Dollars (\$100) in aid of the vote Post Office, *A.*— Hongkong Post Office, Other Charges, Coals, Stores, etc., Steam-Launch.

### **Charitable Allowance**

The Governor recommended the Council to vote a sum of One hundred Pounds sterling (£100) in aid of the vote Charitable Services, Other Charitable Allowances.

### **The Law Courts**

The Governor recommended the Council to vote a sum of Fifteen thousand Dollars (\$15,000) in aid of the vote Public Works, Extraordinary, Buildings, Law Courts.

### **Public Works**

The Governor recommended the Council to vote a sum of Five hundred Dollars (\$500) in aid of the vote Public Works, Extraordinary, Miscellaneous, Miscellaneous Works.