

14TH AUGUST, 1924.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR REGINALD EDWARD STUBBS, K.C.M.G.

THE COLONIAL SECRETARY (HON. SIR CLAUD SEVERN, K.B.E., C.M.G.)

THE ATTORNEY GENERAL (HON. MR. J. H. KEMP, K.C., C.B.E.)

THE COLONIAL TREASURER (HON. MR. D. W. TRATMAN).

HON. MR. H. T. CREASY (Director of Public Works).

HON. MR. A. E. WOOD (Secretary for Chinese Affairs).

HON. MR. E. D. C. WOLFE (Captain Superintendent of Police).

HON. MR. P. H. HOLYOAK.

HON. MR. H. W. BIRD.

HON. MR. R. H. KOTEWALL.

HON. MR. CHAU SIU-KI.

HON. MR. C. MONTAGUE EDE.

HON. MR. C. G. ALABASTER, K.C., O.B.E.

MR. S. B. B. McELDERRY (Clerk of Councils).

ABSENT:—

THE OFFICER COMMANDING THE TROOPS.

Minutes

The minutes of the last meeting were approved and signed.

Papers

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid on the table the following papers:

Order made by the Governor in Council under section 24 of the Rents Ordinance 1922, dated July 24th.

Order made by the Governor in Council under section 24 of the Rents Ordinance 1922, dated July 31st.

Order of the Governor in Council under section 24 of the Rents Ordinance 1922 rescinding an order made on 7th Feb.

Finance

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid on the table Financial Minutes Nos. 64 to 66 and moved that they be referred to the Finance Committee.

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

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid on the table the Report of the Finance Committee (No. 5) and moved that it be adopted.

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

Piers Ordinance Amendment Bill

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to amend the Piers Ordinance 1899.

THE COLONIAL SECRETARY seconded.

HON. MR. ALABASTER—Sir, this is apparently a mere amending Bill intended to preserve powers that already exist, but I do not think it should be passed into law until it has been discussed and certain principles which underlie it have received consideration. The principal Ordinance which this Bill seems to amend was passed in 1899 in face of very considerable opposition, which arose on the first reading, for those who opposed it tried even to prevent it being read a first time. When passed it had the effect of regularising certain encroachments of Crown land by granting to the encroachers what was virtually a 25 years' lease at a fixed Crown rent, renewable for a further period of 25 years at a reassessed Crown rent and

renewable for other periods thereafter which were left somewhat vague. The first 24 of the 25 years have already elapsed and the time has now arrived if the ordinance remains standing, to reassess the Crown rents, but we are told in the "Objects and Reasons" that it is unnecessary to do so. I humbly venture to suggest, Sir, that something more than that statement is required. The possessors of the leases pay no rates whatever; they do pay their Crown rents and have paid them for 24 years, but I find it hard to believe that their property, unlike other peoples' property, has not vastly increased in value in the past 24 years. The present Bill tends to the instability of the value of their property. The purchaser of the residue of the Crown lease does not know, if this amending Bill is passed, whether the rent will be doubled, quadrupled or multiplied tenfold, within the next twenty-five years. It seems to me that there is ample time between now and the end of the year to revise these Crown rents. This would not occupy half a sheet of notepaper.

There is something else in this Bill which requires discussion. The Bill transfers powers from the Executive to the Legislative Council. It is not usual for me to oppose the transference of functions from the Executive to the Legislative Council, but in this case I submit the functions are purely executive. The machinery for making the pier owners pay the rent they ought to pay is possessed by the Executive Council and I submit the power of assessing and re-assessing the Crown rent should remain with the Executive Council. In 1909 when an attempt was made by ordinance to take away the power of the Executive Council under section 3 and transfer that power elsewhere the ordinance was disallowed.

For these reasons, I submit, Sir, that the further consideration of this Bill should be deferred so that these points may be weighed, or the Bill, perhaps, have a decent burial as being unnecessary. At any rate, the Bill should not be passed without further consideration.

THE ATTORNEY-GENERAL—Sir, I have had occasion more than once to go into the history of the original Piers Ordinance, and it is certainly new to me that there was opposition to the Bill being passed in 1899. There is no record in the report in *Hansard* to opposition to the first reading but there was one speech in opposition on the second reading. The Ordinance gave to the owners of piers, for the first time, a proper legal title and security of tenure and for that reason it was welcomed by owners of piers and by prospective owners of piers.

With regard to what the hon. member said about the desirability of a revision of pier rents, the reason why this is not done, I think, is that we are not for the moment in need of additional revenue. But, of course, we may be later on. We do not wish to raise rents unnecessarily now, but we wish to keep the power of raising them when additional revenue is required. I do not think that this will very seriously affect the stability of the properties concerned, because the same condition of affairs has existed during the past 25 years. During that time there has been power to revise the rents, and I do not think that these important pier properties will be rendered unstable in value because of this Bill.

The hon. member referred to the fact that some years ago it was proposed to transfer certain powers from the Executive Council. My impression is that the proposal was to transfer powers to the Governor. The present proposal is to transfer them to the Legislative Council. There are good reasons for that. Questions of taxation are generally for the Legislative Council to consider, and any increase of rents under this ordinance would be an increase, not for what I may call licence purposes, but for revenue purposes, and I think that ought to come before the Legislative Council. It is also a question affecting shipping and for that reason also it is considered desirable that any intention to increase the revenue from this source ought to come before this Council. I think that the principal of the bill is sound and that it ought to be read a second time.

H.E. THE GOVERNOR—I may say that when the suggestion came before me I was influenced by two facts, one a mere matter of principle, which is that I think taxation is better dealt with by the body provided to deal with taxation; the other is that, I had said in the Council before, I would consult the Council fully before proposing any taxation that would fall on Shipping, and it occurred to me that it might be argued by hon.

members that an increase of pier rents would be, in effect, increasing taxation on Shipping. I therefore thought that the revision of the pier rents should be decided by this Council rather than by the Executive Council. With regard to the point made by the hon. member that the Executive Council possesses the machinery to deal with this question while the Legislative Council does not, I scarcely think he does justice to the other Council. The Government would not put forward proposals unless they had been considered by the Executive Council and that Council was prepared to put forward arguments which could be weighed by this Council. If the hon. member presses the point that the matter of taxation should be dealt with at once, I will not object, but I think the matter would be better left until the need arises.

The second reading of the Bill was then agreed to.

On the motion of the ATTORNEY-GENERAL, seconded by the COLONIAL SECRETARY, the Bill was referred to Committee to be considered clause by clause. The Bill passed through without amendment.

The Supplementary Appropriation Bill

THE COLONIAL SECRETARY moved the second reading of An Ordinance to authorize the appropriation of a Supplementary Sum of Two million and twenty-eight thousand and thirty-eight Dollars and three Cents to defray the Charges of the year 1923.

THE COLONIAL TREASURER seconded.

HON. MR. HOLYOAK—Sir, arising out of the item "Miscellaneous Services" I would like to ask the Government whether it will seriously consider the advisability of appointing a qualified Assistant Bacteriologist. I think the Unofficial Members of the Council are not satisfied that that Department is fully staffed. Your Excellency is no doubt well aware that within the past two or three weeks this Department has been in the limelight of public discussion. Sir, it is a fact well known to all of us that the Bacteriologist is responsible for the mortuary work, which generally involves some twenty-five post mortems a day, as well as for work in connection with infectious diseases, water, etc., and there is so much to do that it needs more than one man for the work. Support of this will be universally forthcoming from medical practitioners, who if they have a case of disease for examination need a prompt report on the specimen submitted, and it frequently happens that they do not get it for some days; and it has been known to take a

fortnight, in which case the information of the result of the Analysis is too late to be of any serious value. The Unofficial Members submit, Sir, not only for the reason that the recent outbreak of typhoid has drawn attention to the need, but on account of the importance of the work of this Department in the Colony, that the subject should be considered by the Government.

Under the heading of "Waterworks and Maintenance," we would like to ask, Sir, whether the Government has considered, or is now considering, the question of mechanical filtration of water as against the present somewhat slow system, having in view the great needs of this Colony and that water can be purified by mechanical filtration with infinitely greater speed and safety. If the Government is considering it, we would like to know if decisions can be expedited.

Under the heading of "Public Works" we should like to ask, Sir, in connection with my recent question in the Council—loth as we are to add to the work of the Department—whether quarterly reports on work in progress will be laid on the table. In this connection I think we would like to express our extreme dissatisfaction in regard to the delay in completing the Saiyingpun School. We have repeatedly been assured that the work would be pushed on with all possible speed; yet one of the reasons given for delay by the Public Works Department is that there has been difficulty in obtaining special facing bricks needed from Canton. Surely, Sir, in view of the urgent need of this school and the overcrowded state of the present school, no delay should be caused by a difficulty in obtaining facing bricks. I speak without technical knowledge, but I should have thought that a lack of these special bricks scarcely justified the delay.

The other building of importance which we would ask your Excellency to expedite is the Infectious Diseases Hospital. I do not wish to dilate, Sir, at this moment

upon conditions of hospital administration in this Colony, but it is a fact that cases of infectious diseases are handled almost side by side with other cases, and it is a standing disgrace that we have not an Infectious Diseases Hospital.

HON. MR. KOTEWALL—Sir, I desire, with your Excellency's permission, to make a few remarks on three items. The first item is "Rent Allowances" under Miscellaneous Services on page 12. When the 1922 Supplementary Appropriation was before this Council in August last, I made an appeal on behalf of all the non-European civil servants for rent allowances, and added that if for financial reasons it should be found impossible to grant the privilege to all, a start might be made with subordinates who had more than, say, ten years' service. I find that my alternative suggestion has been adopted, but I would have been happier if the privilege had also been granted to men with less than ten years' service. The prevailing high cost of living affects all alike; and the less expensive proposal which I put forward was conditional upon the inability of our finances to stand the greater strain. A year has now elapsed since I raised the question; the financial position of the Colony has gone on improving; and I am sure that it can easily bear the expenditure which would be involved by the extension of the allowance to men with less than ten years' service and on the permanent establishment. I am aware that the Government is taking steps to have houses built for the accommodation of all its clerks; but until such accommodation is available my Chinese colleague and I submit that these junior men, most of whom are married, should be treated in the same sympathetic manner as their senior brother-officers in regard to the question of house allowance.

Under the same main head appears the item "Rent of Public Telephones." I wish to avail myself of this opportunity to seek information as regards the future position of the Telephone Company, if there is no objection to giving such information at this juncture. The existing service is very unsatisfactory, and has given rise to numerous complaints; but in view of the uncertainty of the Company's future it is easy to understand why they have not done anything towards improvements. I think that it would be to the interest of the public if a definite decision could be made by the Government at an early date.

It is with some reluctance that I now approach the subject of "Maintenance of Waterworks" under Public Works Recurrent on page 36. I have no wish to add my voice to the din of questionings, discussions and

lamentations over our water supply, which, I fear, must have at times disturbed the sleep of our hard-worked Water Authority. But my honourable friend Mr. Chau and I consider it our duty to say a few words concerning the supply to the Western district. For many weeks until quite recently, while all the reservoirs on the Island with the exception of that at Wongneichong Gap were at overflow level, a large part of that district had been subject to the hardship of a restricted supply, the reason being that the Pokfulam Reservoir which serves that district was in a very muddy state, and that the necessarily slow process of filtration necessitated an intermittent supply. I understand that that condition of the reservoir was principally caused by the construction of the new road above it, from which very large quantities of earth had been washed into it during the heavy rains of the past month or so. No one can deny the great hardship which the restriction has inflicted on the inhabitants of the rider-main area of the Western district, most of whom are of the poorer classes; and though we represented the matter to the Water Authority through the Honourable Secretary for Chinese Affairs at the time, we would like publicly in this Council to express the hope that no effort may be spared by the Public Works Department to expedite any construction work which will tend to ensure a constant supply to this and other districts of the Colony.

THE COLONIAL SECRETARY—Sir, with reference to the remarks of the hon. member who represents the Chamber of Commerce, the Government has asked the Secretary of State to select a Medical Officer possessing the qualifications of a Bacteriologist, who will assist the Bacteriologist. It is quite recognised that the work, which includes mortuary work, is very heavy. There are, no doubt, occasions when assistance is required. Sometimes, when the Bacteriologist is ill it is very difficult to get anyone to

do his work. The Government recognises the need of assistance even if a whole-time assistant is not necessary.

With regard to mechanical filtration, the Government has sent home a request for apparatus which is to be placed at the Bowen Road filterbeds.

The Quarterly Reports on certain buildings and works will be laid on the table. I do not know whether the Director of Public Works can add anything to what I said the other day about the facing bricks. As we decided to adopt that particular kind of brick for the Saiyingpun School building, I imagine it is better to adhere to the design as originally proposed. The question of the Infectious Diseases Hospital was brought up last year and a site decided on, but the new Principal Civil Medical Officer has ideas on the subject and he has put forward representations that are now under consideration.

In regard the remarks made by the hon. Chinese member on the question of rent allowances for non-European members of the Service the subject has been under consideration, as hon. members know, and it has been decided to give such allowances—at any rate to all those civil servants of ten years' service. That is the point in their service when they become eligible for pensions. As they are practically all married, with families, and their careers are settled, taking into account their eligibility for pensions, and that they are not likely to seek employment elsewhere, the Government felt it should take their case into consideration and give them some help towards meeting the very heavy expense of rent at the present time. There are about 280 involved. The Secretary of State approved the proposal and it has been already before the Finance Committee. The question of granting it to those under ten years' service is another matter. There are 239 who are married, and there are many others who have dependants. Many of those who are married have their families in the country, and not in Hongkong at all. The circumstances in each case differ to such a degree that when the question was gone into, it was found very difficult to settle, and it was thought that the question would solve itself in the not very distant future, by many of them reaching the ten years' limit. A petition has been received and I was on the point of writing an answer to it to say that the Government regrets that it cannot see its way to meeting their request. I am not going into particulars. I have stated some of the difficulties to you as the hon. Chinese members have brought up the subject. They may be able to hit upon some formula, for although the Government has shut the

door, I may say it is not bolted and barred. In order to arrange for quarters for some of these senior non-European civil servants I, with others, went to look at various vacant flats in Victoria, Kowloon and Shumshuipo. At last we got hold of 18 flats at what we considered very moderate rents. They were new and very good houses and we sent a circular round for applicants for them, offering each an advance of \$100 for removal of furniture and putting up necessary partitions. The response to that circular was so disappointing that we asked the owner of the flats to take back eight of them, and we endeavoured to get applicants for the remaining ten. We are now wondering whether we had been too hurried in arranging allowances or getting flats. We are going to build over 200 quarters in Kowloon on excellent sites, and I hope they will be finished within the next two years, but I hope and trust that members of the service will not say they do not want to go into them.

In regard to Telephones, the future of the Telephone Service in Hongkong is being discussed at present at home, and certain tentative proposals have also come forward in this Colony, but it is impossible for the Government to deal with these during the absence of certain interested persons at home. No doubt we shall hear the result of the discussions at home and when the interested persons return to the Colony I hope it will not be very long before arrangements for the future will be completed.

I would like to explain to the hon. member why a part of the Western District on the rider main system is still having a restricted supply of water. The Pokfulam reservoir cannot supply all the water required for that part even if it can be filtered, and therefore any water required to make up the balance would have to come from the Tytam tunnel which carries 14 millions a day, but the conduit to the filter beds is constructed to carry only 7 millions a

day, while the consumption is not less than 9 millions a day. An 18 inch pipe has been constructed from the Albany down to the Eliot filter beds so that sufficient water can come through. That full supply we hope will be available in six weeks or two months when part of eastern filter beds are ready. The Government much regret that the restriction of the supply has occurred owing to the want of sufficient filter beds and the great increase in the consumption of water.

HON. MR. BIRD, being asked a question regarding the facing bricks previously referred to, said: There is very great difficulty in getting these facing bricks, for I have experienced it myself. We were asked from Shanghai to order some. I made inquiries in all likely places and we were unable to get them. Of course, you could alter your design and use plaster. Probably it would necessitate a new drawing.

H.E. THE GOVERNOR—Do you consider, Mr. Bird, that we should alter the design rather than wait?

HON. MR. BIRD—That depends on how long you have to wait, Sir.

The second reading of the Bill was agreed to, and on the motion of the COLONIAL SECRETARY it was referred to the Finance Committee.

The Revision of the Ordinances

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance for promoting the revision of the Ordinances of Hongkong.

THE COLONIAL SECRETARY seconded.

The second reading was agreed to without amendment.

THE ATTORNEY-GENERAL then moved and COLONIAL SECRETARY seconded that the Bill be read a third time and the Bill was passed into law.

Adjournment

H.E. THE GOVERNOR — The Council will adjourn till this day week at 2.30.

FINANCE COMMITTEE

A meeting of the Finance Committee was afterwards held, the COLONIAL SECRETARY presided.

Clothing for Prisoners

The Governor recommended the Council to vote of sum of \$6,000 in aid of the vote Prison Department, other charges, clothing for prisoners.

THE CHAIRMAN—This sum of \$6,000 is required owing to the unexpected increase in the number of prisoners.

Approved.

Arms for the Police

The Governor recommended the Council to vote a sum of \$6,870 in aid of the vote Police Department, other charges, arms.

THE CHAIRMAN—Owing to the increase in the Police Force it is necessary to order 150 rifles and bayonets for which no provision was made. This sum of \$6,879 is to cover the cost of 100 rifles and bayonets recently received from the Crown Agents.

Approved.

Temporary Government Offices

The Governor recommended the Council to vote a sum of \$10,000 on account of Miscellaneous Services, rent of temporary offices.

THE CHAIRMAN—This sum is required for the rent of the 4th, 5th and 6th floors of the new P. & O. building which are to be occupied by certain Government departments.

Approved.

The P.W.D. Architectural Staff

When the Supplementary Appropriation Bill was being considered in Committee.

THE HON. MR. HOLYOAK asked in connection with the Public Works Department whether the Director of Public Works was satisfied that the Architectural Staff of his office is sufficient.

THE DIRECTOR OF PUBLIC WORKS—It is not sufficient, Sir. We have indented for four men who are being selected at Home.

HON. MR. HOLYOAK—The explanation given for certain works not being carried out was that it was due to the staff being not sufficient?

THE CHAIRMAN—The staff has not been sufficient. I explained to the Council that we had had
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ments owing to men arriving here not being up to their work and having to be sent home again. We hope, after what has been written to the Crown Agents, that the men who are coming out will be as good as some of those we have got in recent years—exceedingly good men. There has been a tendency for some of those to leave us to take up private work. The Department has been very shorthanded.

Approved.

Supplementary Appropriation Bill

The Bill was considered item by item and was approved without amendment.

THE CHAIRMAN—I will report to the next meeting of the Council that the Bill passed through Committee without amendment.