

28TH AUGUST, 1924.

PRESENT:—

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

THE OFFICER COMMANDING THE TROOPS (COLONEL CLAUDE RUSSELL-BROWN, D.S.O.)

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 SUI-KI.

HON. MR. C. MONTAGUE EDE.

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

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

Minutes

The minutes of the last meeting of the Council were approved and signed.

Finance

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid on the table Financial Minutes Nos. 70, 71 and 72 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. 7) and moved that it be adopted.

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

Papers

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

The Merchant Shipping Ordinance, 1899, Table L, Quarantine Regulations.

Order under section 24 of the Rents Ordinance, 1922, on August 21st, 1924.

Order under section 24 of the Rents Ordinance, 1922, on August 21st, 1924.

Report of the Police Magistrates' Courts for the year 1923.

Sanitary Board and Department

HON. MR. P. H. HOLYOAK, pursuant to notice previously given, moved the following resolution:

1.—That it is the opinion of the Unofficial members of the Legislative Council that the jurisdiction of the Sanitary Board and Department should be extended:—

- (a) in order that food may be properly inspected and controlled.
- (b) in order that a campaign against flies and mosquitoes may be properly organised and efficiently conducted.

The Hon. Member said—Sir,—It was evident from the moment the President of the Sanitary Board somewhat lightly flouted the strong public opinion behind Dr. Koch's resolutions at the Sanitary Board meeting held on the 12th August last, that the matter would not end there and must find other representation. The resolution which I have proposed, and the resolution I intend to propose later represent the considered opinion of us all, and are the natural outcome of that feeling, which has found voice in the Press and the general public is, I can assure your Excellency, very strongly behind that expression. The resolution I now propose asks that the jurisdiction of whatever Board and Department survive

this debate should have its authority extended beyond the present limits of New Kowloon. There are important markets which have grown up both in Old Kowloon and in the New Territory which should be made subject to its control and at present, under the Ordinance, escape it. This highly important resolution will be more fully dealt with by my honourable friend representing the Justices of the Peace who, as a member of the Sanitary Board, has studied this subject more closely than I can pretend to have done, though no one who is familiar with the Philippine Islands and Honolulu can fail to have been impressed with the great attention which has been paid by our American friends to the eradication of flies, mosquitoes, water purity, the training of nullahs, the treatment of stagnant pools, and the extraordinary improvement in health conditions which has resulted from it, and the conspicuous absence of almost all such applied hygiene here. I beg, Sir, to move the resolution.

HON. MR. ALABASTER—Your Excellency, I beg to second the resolution. This resolution is directed to extending the area of operation of the present Health Department in this Colony. When the present Department was formed and constituted as it now is, it was designed and intended to be used as a weapon against plague. Its main object was to attack and destroy the plague rat and the plague rat's flea. In that work it was not necessary to go outside the congested areas of Hongkong, Old Kowloon and New Kowloon. No doubt it was better in attacking the plague rodent and its flea to confine the area of operations to a restricted district. In that campaign the Department has been entirely successful, but there are other campaigns which are necessary for the Department to undertake and which require a wider area of operations. We have it on authority of the Principal Medical Officer to the Garrison that malaria is increasing amongst the troops. We hear constant complaints, from the Residents' Associations of the Colony, and recently very particularly from Peak residents, that mosquitoes are getting worse. We know that these mosquitoes carry most diseases which appear in the blood. We have the anopheles which breed malaria and we have the kind which in other countries carry yellow fever—a disease which, up to the present, we have been spared but which may at any time reach our shores. We also know that the mosquito can travel six or seven miles from its breeding place, and therefore in order that a proper campaign be undertaken against mosquitoes it is desirable that the area of operation should be extended. It is also necessary that it should be extended in order that a campaign against flies may

be undertaken. That this Council realises that the Department was restricted too much was shown by the fact that last year you passed the New Territories Amendment Ordinance which gives power to the Governor in Council to make regulations in regard to any matter on which the Sanitary Department have power to make by-laws under the Public Health and Buildings Ordinance. But, Sir, improvement in public health is not effected so much by rules as by inspection, education and supervision. No rules that flies should not be admitted into the market places of the New Territories will ever keep flies out. We require inspection and education and adoption of special methods to keep flies away, and in this connection a campaign to educate the cultivator to avoid his ancient methods of cultivation would do a great deal of good. For these reasons I beg to support the first resolution.

THE COLONIAL SECRETARY — Your Excellency, I was not aware when I read the first resolution exactly what form the speeches of the hon. members who proposed and seconded the resolution were going to take. The actual wording of the resolution is that it is the opinion of the Unofficial Members of the Legislative Council that the jurisdiction of the Sanitary Board and Department should be extended, firstly, in order that food may be properly inspected and controlled, and secondly, in order that a campaign against flies and mosquitoes may be properly organised and efficiently conducted.

As regards the first part of the resolution if I had not heard what the speakers had said I should have answered to the first part of the resolution that food was properly inspected and controlled in the Colony at this moment. I will deal with that point for the moment. The answer to the first part of the resolution is that the veterinary surgeon and qualified inspectors pass all beef, mutton and pork from the slaughter-houses as fit for

human consumption. They take a great deal of trouble over that. So far as food passed from the Government slaughter-houses is concerned, it is perfectly fit for human consumption and that meat can only be sold in the markets set up for the purpose, and a few other places licensed for the purpose. I am not sure whether hon. members are familiar with sections 82 and 86 of the Public Health and Buildings Ordinance, which are very drastic as regards the examination and passing of food, and the dealing in any food not fit for human consumption. It is hardly possible to strengthen these sections which are based, I believe, on the English law, and if those who have the administration of these sections administer them properly—as I believe they do—I cannot believe hon. members can ask for anything more as regards the proper inspection and control of food.

I have only dealt with meat. So far as regards vegetables and other articles of food which become unfit for human consumption, they come under the inspection of various officers of the Sanitary Department, but if there is any suggestion that there is lack of inspection and that deleterious food is being sold, the Government would certainly be prepared to sanction an increase in the number of officers whose duty it is to see that no deleterious food is exposed for sale. I thought I should probably hear from the proposer, seconder and sponsors of this motion some proposal to make these sections of the Ordinance more drastic. As no such proposal is put forward I take it that they acknowledge that the sections are sufficiently strong. When they did speak they spoke of extending the jurisdiction of the Sanitary Department to other places. I don't know whether the mover and seconder intended that to apply to food.

HON. MR. HOLYOAK—No, Sir, it refers to the extended territorial powers needed.

THE COLONIAL SECRETARY—Coming now to the question of flies and mosquitoes, a merciful Providence has reduced the fly plague in humid atmospheres like ours to places where from the accumulation of manure and other matter they are likely to breed. In other places they do not exist or are so few that they can be practically ignored. I believe the hon. member who represents the Justice of Peace is rather an authority on flies. Where flies are a nuisance they can be dealt with under Section 26 subsection 13 of the Public Health and Building Ordinance although they are not specially mentioned. If any place is found to be the breeding place of flies caused by the accumulation of manure of some sort,

offal, or such matter as lends itself to the breeding of flies in abnormal numbers, the Board would treat that as a common nuisance and cause its removal. The Board has very definite powers in the matter and no person who allows such a nuisance to exist in his premises would be allowed to escape. But the proposer and seconder say that these powers should be extended beyond the present limits of the Board. Certainly if we examine various villages in the New Territories we should probably find places which, if within the boundaries of the territory administered by the Board, would certainly be considered places which tolerated a nuisance and they would be dealt with, but I have yet to learn that the inhabitants of these places want them removed at all. They have lived there for hundreds of years probably, and flies have been there all the time, and I think the inhabitants of these places would be extremely annoyed if a body of officials invaded their village and proceeded to order them to remove heaps of manure and other things which are necessary for their fields and general subsistence, and interfere with what I might call their intensive methods of cultivation, I must say it is a question whether, regarding flies, which are purely domestic animals, we should embark on these extended operations without consulting the people concerned. Within the Sanitary Board area, of course, the powers are there, and I believe are administered most efficiently. Mosquitoes can be dealt with in two ways. If they exist in private premises there are regulations laid down for dealing with them. There are certain by-laws there which can deal with persons who allow conditions to exist on their premises which lead to the breeding of mosquitoes. On Crown Lands the nuisance is dealt with by the training of nullahs and draining of pools which is extensively carried out by the Public Works

Department on the advice of the Sanitary Board. The Government is quite willing to extend the work in that connection as much as is desired, and I do not see how any enlargement or extension of the jurisdiction of the Sanitary Board can help. The Government is at present clearing a large area at Mount Kellett. It is also working on certain other areas in the island of Hongkong, not in the hill district, but our most difficult problem at present, in the jurisdiction of the Sanitary Department, is Kowloon peninsula. Hills have been cut down and large swamps are being filled up and it is obvious that with the heavy rainfall we have had this year pools of stagnant water are created which cannot be got rid of at once and these pools obviously breed mosquitoes. Every effort is made to deal with these pools and the thing will right itself as soon as the work is completed. The Government is anxious to do everything in its power to deal with these areas.

As regards the New Territories I am sorry to say that the reports we have are bad as regards the increase of malaria. At Shataukok it is very bad at present. A new road is being made in place of the old railway and no doubt the cutting down of the banks has created pools where mosquitoes have been breeding, and as a result the police have suffered a great deal from malaria. We are asking for the help of a military officer who has made a special study of mosquitoes and malaria to go to Shataukok and try and improve conditions. The same conditions apply in a lesser degree at other Police Stations in the New Territories. The Government, so far as mosquitoes are concerned, will not neglect any measure to reduce the amount of malaria that exists in certain places.

H.E. THE GOVERNOR—I am afraid that, in common with the Colonial Secretary, I had mistaken the meaning of this resolution. I understood that the "extension of jurisdiction" meant an extension of its powers, to which I was going to reply, "Tell me what extensions you wish, and if it is possible I will agree to them." I now find that the desire is that the extension should be geographical. It may have been foolish of me, but this did not enter into my mind when I read the resolution and I have not paid any attention to that side of the question. If I had I think I should be inclined to say that it would be better to restrict than extend the present jurisdiction and to have a new Board to deal with Kowloon and the New Territories. But this is a matter which I should like to consider further.

With regard to the extension of the jurisdiction of the Sanitary Department over the New Territory, the

Colonial Secretary has pointed out that the views of the Chinese living in the New Territory may not be the same in regard to what is a domestic animal and the manner in which such domestic animal should be fostered, as those of the inhabitants of the more ancient parts of Hongkong and Kowloon. Though I do not go all the way with him in what he said about flies being domestic pets, I think it is possible that we may do more harm than good by harrying the villagers with restrictions which might be considered excessive interference. The villagers have a right to be considered in these matters and I do not think we should be justified in imposing rules and regulations on them without consulting them first. I would propose to ask the Chinese members of the Council to confer with me and others as to what extent the rules now in existence in the Sanitary district of Hongkong and Kowloon may be applied to the New Territories.

With regard to mosquitoes. I think hon. members need not pay too much attention to what is in the newspapers as to the wonderful work that has been done in other countries in wiping out malaria, because, with some experience of malarial districts, I have noticed that these wonderful successes are not infrequently followed after an interval by relapses of which we see nothing in the newspapers. I could quote instances from my own experience, but I will not take up the time of the Council.

A further point made by the hon. member who represents the Justices of the Peace was that it is all very well to make regulations, but that is not altogether sufficient unless there are inspectors to see that they are complied with.

I agree with him but go further. The bearing of this observation lies in the application thereof. It is not very much good to ask the Government to provide inspectors unless the public play their part.

If people instead of writing anonymous letters to newspapers would take the trouble to go round their premises and see that there are no empty bottles and sardine tins lying about with pools of stagnant water in them there would be far less cause for complaint. This the public must do itself and not leave everything to the Government. I sympathise with the motives of the mover and seconder of the resolution but the application of the wording of this resolution is a matter on which I am unable to agree with them.

HON. MR. HOLYOAK—I do not think a finer argument could possibly be adduced for what the unofficial members have advocated than the reply of the Hon. Colonial Secretary that he could see no reason why the conditions, which were admittedly unhygienic, should not be continued.

These were not perhaps his exact words but they represent the meaning of what he said. I regret, Sir, that the resolution appears to be worded in a manner which has been open to some misconception. We asked that the jurisdiction of the Board and Department should be extended in order that food may be properly controlled and inspected, and that a campaign be properly organised and efficiently conducted in districts not yet under the jurisdiction of the Board. There was never any idea of impeaching the food control of Hongkong. On the contrary, the intention was to point out to this Council that the powers of the Sanitary Board and Department do not provide for proper control beyond New Kowloon and certain parts of Yaumati, and it is because of this anomaly that we ask for this extension of its jurisdiction. I have carefully listened to all your Excellency has said about keeping down mosquitoes, but above and beyond that, and always behind that is the Government's responsibility for training nullahs and stagnant pools which breed them, and I submit that in this matter parts of the New Territory should be brought under the jurisdiction of the Sanitary Board for that purpose. I could point out several nullahs which are breeding mosquitoes on the Peak at the present moment and are directly responsible for the breeding of mosquitoes there. Whilst asking that this resolution should be passed, in no sense do we desire to harrass our Chinese friends in the New Territory with regulations. This point was most thoroughly discussed with the Chinese members of the Council who pointed out the difficulty of carrying out regulations in an agricultural district which are applied to the town, and we are not asking that all the powers which obtain in Hongkong under the Sanitary Board should be carried out with all the rigour that we expect them to be applied in the crowded city of

Hongkong. Obviously it is a case in which the power should be used with discretion, but certainly the power should exist. We have at the present time no power of control and for that reason we ask that the powers of the Sanitary Board and Department should be extended.

H.E. THE GOVERNOR—If the hon. member will inform the Public Works Department of the nullahs complained about, I am quite sure they will be delighted to attend to them. At the same time I should like to point out that the anopheles is much more likely to breed in an empty sardine tin than a nullah. We are faced with certain difficulties with regard to the motion. It says: "That it is the opinion of Unofficial members, etc.." It is not for this Council to say what the Unofficial members think. I think in the circumstances there is no opposition to the statement "That it is the opinion of the Unofficial members."

HON. MR. HOLYOAK—I should like the mootin put in order to prove that *we* are unanimous.

H.E. THE GOVERNOR—The motion is accepted as "the opinion of the Unofficial members."

HON. MR. HOLYOAK—We saw the difficulty involved if we asked for an Official vote on the subject. It is quite obvious the Official vote would be against it.

H.E. THE GOVERNOR—The Council agrees that it is the opinion of the Unofficial members of Council.

HON. MR. HOLYOAK—If you claim, Sir, that our opinion it is not unanimous I shall have to ask for a vote upon it.

H.E. THE GOVERNOR—The only thing I can put to the Council is "That it is the opinion of the U n o f f i c i a l m e m b e r s

of the Legislative Council that the jurisdiction of the Sanitary Board and Department should be extended, (a) in order that food may be properly inspected and controlled; (b), in order that a campaign against flies and mosquitoes may be properly organised and efficiently conducted." I need hardly say it is not a matter in which I can ask the official members to declare an opinion. The only thing they are asked to decide is whether they are of the opinion that it is the opinion of the Unofficial members.

The resolution was then put to the meeting and carried.

Proposed Board and Department of Public Health

HON. MR. HOLYOAK next proposed, pursuant to notice previously given:

"2. That it is the opinion of the Unofficial Members of the Legislative Council:

"(a) That the constitution of the present Sanitary Board and Department be enlarged in order that they may function as a Board and Department of Public Health,—such new Board and Department to have complete analytical and bacteriological control of the water supply of the Colony together with all the powers of the present Sanitary Board and Department.

"(b) That the 'Head' of the Board and Department shall be one with the necessary special qualification in Public Health."

HON. MR. HOLYOAK said—With reference to clause (a) of this resolution, Sir, scarcely a town of any importance in England is there which has not its Board and Department of Health, yet this Port, with its great shipping and vast trade interests and its population of upwards of 1,000,000 people is controlled, from a health point of view, by a Sanitary Board which is almost medieval in its powers and sphere of action in Public Health matters and must wait upon the will of some other Department in connection with vital questions affecting Public Health instead of being in the position to demand and control.

The Sanitary Board originated in 1883, was enlarged in 1887, but first came into prominence as a Department during the great Plague year of 1894 and beyond scavenging, has largely confined its attention to plague and its prevention ever since. That it has met with the success it has done in this direction is surely a

convincing argument for extending and augmenting its present powers. Epidemics of small-pox, spinal meningitis and latterly typhoid, have broken out within recent years and as in the case of the earliest plague outbreak, the Colony has again had to rely on voluntary assistance, freely and ably given, not the least of which were the two small-pox vaccination campaigns, the first by "St. John's Ambulance Brigade," the last by the "Boy Scouts," for work which we submit the Board should have been properly organised and equipped to undertake and we are fortunate that no worse epidemic has befallen us.

This Colony has long suffered and still suffers from the fact that neither the Home Government, nor at times, this Government, recognise that it is no longer a "babe in arms" but a full grown lusty man, capable of forming judgments and of insisting upon improvements and reforms in local matters when their necessity is clearly proved, and in the present instance the policy of *laissez faire*, evidenced by the President of the Sanitary Board when, in answering Colonel Fitzgerald's reference to the increase of malaria, he deprecated the reforms asked for in Dr. Koch's resolution, suggesting that they should "go on as at present doing what they could" is precisely what the Colony is not content to do and because it is determined matters should no longer continue to drift that I have moved the resolutions named.

We have asked that the suggested Board and Department should have complete analytical and bacteriological control of the water supply of the Colony, and the necessity for this as well as the wisdom of it, has surely been amply demonstrated in the revelations made in connection with the recent outbreak of typhoid, and we are convinced that the present arrangement of allowing the bacteriological examination to be performed by an officer already overburdened in his work, is not safe and should no longer continue; indeed the "water problem" of the Colony has now become so large a one that we are not sure that it would not be desirable to separate the

Water Control entirely from the admittedly sadly overworked Public Works Department, and a separate "Water Board" constituted, though in such case adequate analytical and bacteriological control must be ensured. We should imagine that the Director of Public Works would welcome the divorce.

My resolution closes with the demand that the "Head" of the Board of Department shall be one with the necessary special qualifications in Public Health. I believe that under the Ordinance of 1887 the Principal Civil Medical Officer was the President of the Board, and it was not until the 1903 Ordinance came into force that a Cadet became the President of the Board. We are unanimous in our admiration for the excellence of our Civil Service Administration in this Colony and the conspicuous ability of very many of its Cadets, but whatever may be said in defence of the system which makes their appointments as interchangeable as they frequently are, surely it cannot be upheld when it becomes a question of what is or should be, a Public Health Department, and we are convinced that the "Head" of this Department should be a Medical Officer of high qualifications and large experience in Sanitary and Public Health Hygiene. The reforms will mean increase of staff and of course cost more money, but the Colony needs them and can afford it. The Sanitary Board has done excellent service in the past, but as constituted at present, with its limitations, it is out of date with the needs of the Colony, and for the reason that we are all convinced that there is urgent need for reform, I submit the resolutions standing in my name, confidently anticipating they will be unanimously passed by this Council.

HON. MR. H. W. BIRD—Sir,—In seconding the resolution now before this Council, I venture to make some suggestions relating to the control of public health matters in this Colony. I know how easy it is to criticise and how impossible it is to create a Utopia at a moment's notice, particularly in a place like Hongkong where so many of the inhabitants take no interest in health matters, but there can be no doubt that the machinery which propels the public health service of this Colony has not kept pace with the growth of the Colony and now a complete overhaul is necessary.

In spite of the fact that Hongkong is one of the biggest shipping ports of the world, we have no Quarantine Station. It may be said we have got on very well up to now without one. That may be. But one never knows when such an institution may be urgently needed. It is not very many years ago that

several cholera cases arrived here in a ship and they had to be housed in junks. Can we be proud of that?

Here again we have no proper Government disinfecting station. What has been done in this direction up to date has been carried out by private enterprise. How does the Government justify this state of affairs?

I believe it to be a fact that on account of the lack of these two important medical qualifications, Hongkong ranks only as a 2nd Class port in the League of Nations. I know an Infectious Diseases Hospital does exist in name at Kennedy Town. Is the Government proud of it? And does it do credit to our Colony?

We have seen a lot of correspondence about the lack of ambulances, and whilst not accepting all one reads as Gospel without hearing the other side of the case, on enquiry there does seem to be a grave lack of this very necessary accommodation. I would suggest the immediate acquisition of a launch to be fitted up for ambulance purposes, to work in connection with the motor ambulance and be under the control of the same authority who should be able to give instructions relating to its use at all times of the day or night. Further, I would like to see an attendant, with some nursing qualifications, on the launch and motor ambulance during the transit of patients.

The purity of the water, milk, and food supply should be the special care of the Board.

Malaria.—I speak subject to correction, but I understand that this disease is on the increase in this Colony. If this is the case I should like to know the Government explanation.

I would suggest, Sir, that the Board of Control be entirely reconstituted. Firstly, let it be greatly enlarged. The President should undoubtedly be someone possessing a Public Health Degree. I do not see the need for the P. C. M. O. on the

Board, his work in his own capacity being chiefly administrative. The M.O.H. should be the Principal Medical Officer of the Board—under him, the Health Officer of the Port, two assistant M.O.H.'s (one for Hongkong and one for Kowloon) and another medical man with special qualifications as an entomologist and malarial expert. The Bacteriologist and Analyst would also be members. In addition to these technical men, I suggest one or two leading citizens, such as the heads of big shipping and mercantile firms who have big interests at stake in the health of the Colony, the Director of Public Works, Director of Education, Forestry Department, and, of course, several prominent Chinese. Rather a formidable list you may say, but the Department is so important that I consider it should be fully represented.

HON. MR. C. MONTAGUE EDE—I rise, Sir, to support the resolution, and I do so the more readily because I am satisfied that the Government is always willing to effect reforms where the necessity for them is shown.

THE COLONIAL SECRETARY—Sir, I think before I reply to the motion I would like to refer to matters raised by the seconder which do not arise out of the motion and it may be convenient to do so now. There has been no quarantine station here for 80 years, and I suppose we are very fortunate in having got on without one. We have been looking out for a suitable station for some time—I myself have done a lot of looking about and a lot of walking about—and it is quite possible that we shall have quite a fine quarantine station. We have not experienced great need of one except on one occasion when some people from another port a few years ago were so careless as to contract cholera. Those who contracted cholera were put on to one lighter and the remainder were put on to another lighter. I think there were one or two deaths on that occasion. That was the only time when there was any real necessity for quarantine. We have a quarantine anchorage where we put the ships, and so far we have been extremely fortunate, but I think it is quite likely that we shall get a quarantine station.

With regard to the hon. member's statement that there is no Government Disinfecting Station, I would ask has he ever been to the Government Disinfecting Station?

HON. MR. BIRD—I have been to a disinfecting station, which is a hulk.

THE COLONIAL SECRETARY—I mean the Government Disinfecting Station below Caine Road. Mr. Lyon is in charge.

H.E. THE GOVERNOR—I think the hon. member is referring to the Clayton apparatus for the disinfection of ships.

HON. MR. BIRD—I mean the actual disinfection of ships.

THE COLONIAL SECRETARY — We have a disinfection station but we are not satisfied with our present one. Mr. Duncan who is now in charge of the new Port Development Department, has the matter in hand of selecting a site for one and we hope to get a much better one.

With regard to the Hospitals for Infectious Diseases the subject is under consideration of the Principal Civil Medical Officer, who arrived recently, and the Director of Public Works. I cannot tell you how much the Government regrets that the building of the Infectious Disease Hospitals—there are two of them—is not at present under way. It is obviously necessary where the Principal Civil Medical Officer raised certain questions that they should be discussed. I hope to put the proposal before the Finance Committee before long for the allocation of the necessary funds, but I am not able to say when. The present Infectious Diseases Hospital has performed its work fairly well. It has been open for only six months of the year, and if cases occur in the other six months of the year, which is very rare, we have to send a special attendant and nurses down from the Government Civil Hospital to take up residence there.

Regarding the lack of ambulances, I don't know exactly what the hon. member means.

HON. MR. BIRD—Launch ambulances for dealing with ship cases, and cases from Kowloon.

THE COLONIAL SECRETARY — A launch is available for the removal of cases from ships. As regards removal from Kowloon to Hongkong, we have occasionally used a launch and occasionally the ferry. There was an unfortunate misunderstanding the other day over a rather urgent case that led to a lot of correspondence in the public Press and editorial remarks, but it was mostly based on entire fabrications and the matter has been dealt with by correspondence with those concerned. It is hardly necessary to embark on a special ambulance launch now, because the Kowloon hospital is expected to be opened next March—I think at least we have given a promise for next March—and to embark now on building a special ambulance launch for the few months remaining is hardly necessary considering that we have made arrangement with the ferry company to clear a certain part of the ferry every time there is an ambulance case.

HON. MR. BIRD—That does not deal with the cases from ships.

THE COLONIAL SECRETARY—I don't know what the arrangements are, but I have no doubt we can arrange for cases from ships, I thought you meant an ambulance launch crossing the harbour.

Now, Sir, coming to the motion itself, I don't think I have studied the local papers, their correspondence, articles, sub-articles, etc., more closely than I have during the last few weeks on the subject of the proposed Board of Health I have read everything that has been published on the subject and I must say that after reading it all I was entirely in the dark as to the reason for the suggestion that there should be this Board of Health. I had hoped to-day that I would receive some enlightenment from the Unofficial members on the subject but I have not; but I did see from the Press that they had been enjoined that it was their duty to urge upon the Government the need of a Health Department, and I concluded that they met together, probably they looked at each other and to use the words of Lord Palmerston, they concluded "It doesn't matter what we say so long as we all say the same thing." They put two pieces of paper into the hat, "for?" and "against?" and it came out "For" and that is why they brought forward the resolution to-day. That, at least is the only conclusion I can come to. I have been here now for a considerable time, and the Sanitary Department has always struck me as being a department which performs its duties not only expeditiously but very efficiently. To take one point for instance. When a bad epidemic of plague broke

out early in 1912 at the time when Dr. Francis Clark was the Medical Officer of Health, I went round with him on my first visit to crowded parts of the City and when I saw what action was being taken it struck me that the Department was acting with the most extraordinary efficiency. He seemed to have got everything organised. It was a bad epidemic. I think there were over 2,000 cases. On that occasion Dr. Clark said he hoped to have it well under control by the month of May. We were then in March and his prediction was fulfilled. There has been another epidemic since then, which was dealt with in the same efficient manner. We have hardly any cases of plague this year at all. The Colony is now practically free from plague and in regard to that scourge I may say the Sanitary Board and its officials are distinctly efficient.

Then we had an outbreak of cerebrospinal meningitis in 1918 which was also dealt with most expeditiously. The Sanitary Board on that occasion urged that an expert should be got over from New York, and by the kindness of the Rockefeller Institution he came in about a month, and since that time our bacteriological institute has continued to act on the recommendations made by Captain Olitsky and we have had no further outbreak of that disease. We have sporadic cases occasionally.

Take the two outbreaks of small-pox to which reference was made by the mover of the resolution. In these cases nothing could be more complimentary to the efficiency of the Board than the way they were taken in hand. The community came to the rescue and under the guidance of the officials of the Sanitary Department they organised matters so thoroughly that when the reports went Home H.M. Government expressed their very high appreciation of the work that had been done on both these occasions.

Now we come to consider various activities of the Department. The slaughter-houses are controlled by the Department. We have an Assistant Veterinary Surgeon coming to help the Veterinary Surgeon in the inspection of slaughter-houses, which are extremely well-run and administered. We hope before very long to move them, building even more efficient slaughter-houses under the proper control of the Board. The markets are very well looked after and if any defects are brought to the notice of the Government we will be only too glad to rectify them. Then there are the cemeteries which are also extremely well managed by the Board in conjunction with the Tung Wah Hospital, which gives us enormous assistance.

Coming to the work of house cleansing, which is the biggest and hardest task of the Sanitary Board, I cannot believe any other Board or authority would carry on the work more efficiently than it has been done. A great many inspectors are employed in doing the work thoroughly and systematically right through the City. Tact is necessary to avoid causing irritation among the population. Nothing can be more unpleasant than to have officers coming into a house to turn out the whole of the furniture and have the place washed down with disinfectant. They have to be very tactful and they have worked in a way ensuring the best results.

Now we come to this proposal or demand for a Board of Health. It has rather a nice sound hasn't it?—Board of Health! I can see no other reason from all I have read for the demand for any change in the present Board than that there have been rather more typhoid cases among the foreign community this summer than is usually the case. Certainly, the cause of this increase has not been found.

I don't know whether any of the hon. members have ever studied the bacteriological reports of the water taken from the reservoirs, filter beds and taps, and all sorts of places. It is only when one of the reservoirs becomes muddy that we have had any deviation from the very excellent reports we have had in the past. We have always been assured that the water supply in Hongkong is noted for its excellence and purity, and when this particular reservoir became muddy the water was chlorinated and made perfectly good so far as being innocuous is concerned. It is extremely nasty to drink, perhaps, but less so among people who drink it with something in it. Why we should have a Board of Health—I would call it a Board of Health of all the Talents—because of these purely ephemeral occurrences on the part of the water supply I cannot imagine. It is not clear to me what is

meant by having complete analytical and bacteriological control of the water supply. If the Board were to say that this water is bad and this reservoir must be shut, I don't know whether that is intended, we certainly would not do it. I do not see how the analysts and bacteriologists of a Board of Health can do more than the present analyst does in regard to food, and the present bacteriologist does in regard to water. The proposed Board looks not unlike the present Board except that there should be a Medical Officer at the Head of it. I do not see what is to be gained by erecting a board to take the place of, or supplement, the present Sanitary Board. If all the Heads of Departments proposed to sit on this Board are to be asked to go down and sit through long discussions it will be most irritating. We have lots of work to do in the public services, though many people seem to think we have not. I may add that the Government is absolutely ready to create any new department which is proved to be necessary. For instance, we have just recently, with the sanction of the Secretary of State, created a Port Development Department. I only mention that to show that the Government is quite ready to create a new department if there is any good reason shown for it.

As regards a technical head of the department it is difficult to see why a technical head should be required—certainly not a Cadet. My reading lately has shown that there is some subtle objection to a Cadet officer as head. That is a very peculiar thing, for in the great municipality of Singapore they have had Cadet officers as heads of the Departments for the last twenty-five years. In Penang Mr. Hallifax, brother of our worthy Secretary for Chinese Affairs, did so well there that the municipality of Singapore asked for him and the Government reluctantly spared him. Then there is Mr. Reginald Farrer who will probably end up his service as head of the Municipality of Singapore which administers a very

large revenue and has works in hand costing many millions. To say that a Cadet officer is not a proper person to be head of such a department seems to me rather ridiculous. I have a great admiration for the Cadet service, and I can say that quite frankly because I am not a Cadet officer. I have hardly ever known one Cadet who has not done his work efficiently. In reading the letters in the Press I see all sorts of objections; that the head of the Sanitary Department was not efficient because he was not a plumber or had not a certificate of the Sanitary Institute. That is grotesque. The present head of the Department and his predecessor, and in fact most of those I have known since I have been here, have done their work very efficiently. I think the Sanitary Board does extraordinarily well. The whole of this agitation has been fostered by the Press and taken up by the Unofficial Members simply because of the small increase in typhoid cases. There may be other reasons, but I have not found them and I have not seen any other argument. If any increase in the staff is required the Government is willing to consider it. The machine is there already; it may be that a little more oil is sometimes necessary.

H.E. THE GOVERNOR—I should like to add a few words to what the Colonial Secretary has said with regard to the second half of the motion. It is an attractive idea to people who do not take the trouble to think, that a technical department should have a technical man as its head, but really the proposition is very much akin to Dr. Johnson's famous line "Who drives fat oxen should himself be fat." The idea is apparently that the head of a department which deals with matters of applied science should be a man whose whole experience is of that nature. That is entirely incorrect. The Sanitary Department requires at its head an administrative officer. He has a very large staff to control, and what is more important, a very large part of his staff is Chinese, and a man in that position without a knowledge of the Chinese language would not be worth the money he is paid. If you get a technical man for that job you would find it difficult to get a man who speaks Chinese. The proposal in the resolution sounds attractive, but it is entirely wrong. It is like the newspaper idea that the Secretary of State for War should be a soldier. As we know, that is not the practice, for this reason, that if you get a technical man as the head of the Department he cannot do technical work. In the present instance the Department would go to pieces unless a technical officer had got a non-technical officer to keep him straight. The only thing he could assist in himself is the subject in which he has been trained. Is he going to do that, or is he going to leave it to the Medical

Officer of Health? If he agrees with the Medical Officer of Health his opinion is unnecessary; if he does not it is probably wrong as the Medical Officer will naturally be more up to date. I suggest it is a wise course for any Head of a department to trust his technical officers and confine himself to administrative work and seeing that the suggestions of his technical advisers are carried out. The Head of the Sanitary Department seems to occupy a position between that of the Minister of Health at Home and that of his Permanent Secretary. Neither the Minister of Health nor the Permanent Secretary is a technical officer. The Minister of Health is a Member of Parliament and the Permanent Secretary is an old colleague of mine in the Colonial Office without any special knowledge of public health. If any adequate reasons are suggested for the proposed change—so far I have seen absolutely none whatever—I should be willing to consider them. The idea appears to be that the Department should have its own analyst and bacteriologist who ought to occupy their whole time with the analysis and bacteriological examination of the water supply of the Colony. I do not quite know what time these analyses occupy, but I think if we put it down at two days in a month we should be over-estimating. May I ask what this very expensive officer would do for the remaining 29, 28 or 26 days? It is further suggested that this autocratic body is to give directions to all kinds of Departments as to what they are to do. If, for example, the Board considers that a certain nullah or pool is a breeding place for mosquitoes, is it to say that the Public Works Department shall remove the nullah or fill up the pool, without regard to the fact that you may by so doing, involve a landslide or some other trouble? What is necessary is intimate co-operation between Departments, and in spite of the ridiculous statements made in the newspapers, and the almost equally ridiculous statements made in the Sanitary Board that is what we have at present. I cannot accept the motion.

HON. MR. HOLYOAK—Sir, it is not the first time in this honourable Council that the honour of the unofficial members has been impugned. Most of the early part of the reply of the Colonial Secretary I consider so frivolous as to be unworthy of serious reply. His suggestion that the unofficial members have brought to this Council motions that had been suggested and inspired by the Press I do not think worth serious consideration. In my remarks on the resolution I indicated that from the time the resolution of Dr. Koch was turned down in the Sanitary Board the unofficial members had been considered these resolutions. They were not inspired by the Press; it so happened that by a coincidence the Press unanimously approved them. Usually there is a division of opinion among the Press, but in this matter with unanimous voice they have charged the Government with being unprepared in this matter and asked for this increase of the Board's powers. The matter has been seriously debated by us, it has been frivolously dealt with by the Government and I have nothing further to say but to press the motion.

H.E. THE GOVERNOR—I trust the hon. member was not referring to me when he said the subject was dealt with frivolously.

THE COLONIAL SECRETARY—I trust he was not referring to me as I argued the matter rather fully and I thought my remarks should convince hon. members.

HON. MR. HOLYOAK—I was referring Sir, to the remarks of the Colonial Secretary

The motion was put to the meeting and carried, H.E. the Governor in putting it emphasizing the words "It is the opinion of the Unofficial Members of the Legislative Council."

Opium Amendment Ordinance

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

THE COLONIAL SECRETARY seconded

HON. MR. ALABASTER—I should like Sir, to say something about section 6. This section amends section 21 (3) of the Ordinance of last year, apparently at the request of the Chamber of Commerce but as it does not appear to me that the amendment effects any change whatever in the meaning of the section I can

only suppose that the Chamber of Commerce think that they are having a grievance removed by the amendment which they obtained. So we have to delve a little further into the Ordinance. Section 21 is remarkable in two ways. It not only departed from the usual rules of the common law which calls upon prosecutors to prove their case—because the onus of proving that owners of ships had taken proper precautions to prevent smuggling was placed on themselves—but it required that owners of ships should prove a negative, which in most cases is absolutely impossible. Sub-section (1) says: "No ships shall be used for the importation, landing, removal, carriage, conveyance, storage or exportation of any opium in contravention of this Ordinance." Sub-section (3) says: "If any ship is proved to have been so used, the owners, agent and master shall be deemed to have contravened the provisions of sub-section 1 unless it is proved to the satisfaction of the Magistrate that every reasonable precaution has been taken to prevent the unlawful use of such ship and that none of the officers or of their servants or of the crew of such ship were implicated therein." It is proposed to amend that by substituting the words "unless the Magistrate is satisfied" for "unless it is, proved to the satisfaction of the Magistrate." For the life of me I cannot see that this is more than jugglery in synonyms inasmuch as proof is only evidence which satisfies, and inasmuch as the Magistrate can only be satisfied on the evidence before him.

What I think the Chamber objected to was the last part of the subsection which threw on the owners of ships the onus of proving that none of the crew were implicated—a thing it is quite impossible to do in many cases where opium is found on board in the actual possession of nobody. Nor can the owners take proper disciplinary measures against the crew in the circumstances, because as between them and the crew the onus would be on them to prove that the crew were implicated before they would be justified in dismissing them. I would like to ask the Government if they will consent at the proper

time, when the Bill is in Committee, to a small amendment which will relieve the owners of the hardship of which they complain—of the necessity for proving a negative, and leave them with the onus of proving to the satisfaction of the Magistrate that they have taken every reasonable precaution to prevent the ship being used for the smuggling of opium.

THE ATTORNEY-GENERAL—I would submit, Sir, that this proposed amendment be not accepted. The hon. member has reminded us that the proposal to amend section 21, which is embodied in Clause 6 of the Bill, was the result of an agreement with the Chamber of Commerce, arrived at after considerable discussion and correspondence. It is true it is not anything like as much as the Chamber of Commerce asked for originally, but I think it effects a certain change in the section, in what may be called its orientation, I think it does alter the stress of the section both as regards onus of proof and the degree of proof required. I think it will be much less easy to argue under the present section that the onus of producing the proof lies on the defendant, and that he has to satisfy the Magistrate completely, beyond reasonable doubt, than it would be under the section as it stands. It is true, Sir, that section 21 of the Opium Ordinance is legislation of a very drastic and unusual character, but "diseases desperate grown by desperate appliance are relieved or not at all," and opium smuggling is a practice so widespread and so serious and so lucrative that it requires very stringent measures to fight it. It is not only this Colony that has found it necessary to adopt legislation of this kind. The Straits Settlements Opium Ordinance of 1909 contains a section almost exactly similar in terms, and I understand that at least one foreign Power has legislation that makes the ship liable to be fined for smuggling opium even where no guilty knowledge on the part of the owners is proved. The evil is an exceptional one and the remedy is admittedly exceptional also. I would like to remind hon. members that the section is administered with discretion. There may be some difference of opinion about particular cases in the past, but I think I may safely say that, speaking generally, it has not been enforced except in cases where there was good reason to believe, or suspect, that the owners had failed to carry out all reasonable precautions. I do not quite understand the position of the hon. member who has just spoken. He seems to be in a certain difficulty. His proposal is that the section should read that it should be sufficient for the owners to prove to the magistrate that they took precautions to ensure that the crew should not be implicated. I also understood him to say that no disciplinary measures are possible by the

owners which could ensure that result. It is admittedly a difficult task but, as I say, the section has never been put into action except where there was reason to believe that the shipowners had not done all that they could reasonably do in the matter. The Ordinance, however, for reasons not connected with this clause, must be passed speedily, and seeing that the proposal in Clause 6 of the Bill represents an agreement arrived at six months ago, I do not think that the Government ought to accept this amendment—which would affect the Bill considerably—at this eleventh hour. It is quite possible that if the discussion with the Chamber of Commerce had been continued, some other formula might have been discovered, which would have met the views of the Government and the Chamber. It was not continued; an agreement was come to; and I submit it would be unwise to accept the amendment at the eleventh hour. One other point. We know that the policy of H.M. Government is that opium smuggling should be suppressed rigorously as far as possible, and I think, Sir, it is doubtful if His Majesty's Government would view with favour a relaxation of the present law against smuggling.

H.E. THE GOVERNOR—I think I may say at once that it is not only improbable that His Majesty's Government would not be prepared to accept any relaxation of the law but absolutely certain that it would not. If we were to include in this ordinance the amendment suggested by the hon. member, the result would be that the law would be disallowed. His Majesty's Government have for the past few months been directing my special attention to the discredit brought upon the British name and the difficulties caused in dealing with the League of Nations by the fact that so much smuggling takes place

in vessels under the British flag, and I think it is the duty of shipowners of this Colony to see that they do their part to get rid of this scandal to the British name. If the matter were being raised afresh I should have wished to think the matter over further to see exactly what is the meaning of the amendment the hon. member has suggested. If the Chamber of Commerce wish to review the matter with a view to further amendment by the Secretary of State, I should be glad to discuss the matter with them. I myself will not agree to the passing of an ordinance which weakens control in any way without first ascertaining from His Majesty's Government that they are prepared to agree to it; and in order to put the matter properly before His Majesty's Government, I should have to know the ideas of shipowners as to what represents proper precautions that are really adequate to ensure that a ship's officers and crew are not concerned in smuggling. There have been cases in which it has been pleaded before the magistrate that adequate precautions had been taken, but upon the slightest investigation it was seen that these precautions were *not* adequate. If they took any precautions at all it was to tell their officers that they ought not to smuggle; and that is about as useful as the regulation to forbid flies entering a market to which reference was made at an earlier stage of this meeting. If shipowners really would show that they are anxious to prevent smuggling by dismissing officers who wink at or are notoriously concerned in smuggling, there might be something to be said, but up to the present moment they have not done so. They cannot wash their hands of responsibility by telling their officers "You must not engage in smuggling." Certain officers are smugglers and certain officers wink their eye at smuggling by members of the crew. I hope nothing that I have said will be understood to reflect on the great body of merchant officers, who are as good a body of men as you could wish for. But there are black sheep in every flock, and there are certain officers of ships on the China Station who are concerned. I know, incidentally, from the possession of certain papers which have come from England, that there is a code word among smugglers to indicate that "the captain has been squared."

The Bill was read a second time, went into Committee and passed through without amendment, and was then read a third time and passed into law accordingly.

The Adjournment

H.E. THE GOVERNOR—The Council adjourns till September 11th.

FINANCE COMMITTEE

A meeting of the Finance Committee was afterwards held under the presidency of the COLONIAL SECRETARY.

Quarters for Railway Traffic Staff

The Governor recommended the Council to vote a sum of \$23,800 in aid of the vote Kowloon-Canton Railway, Special Expenditure, Construction, Quarters for Traffic Staff.

THE CHAIRMAN—The original estimate was \$40,000, for which a special vote was taken in 1923 for \$15,000, and \$25,000 was inserted in the current estimates. Of the amount voted in 1923 only \$63 was actually spent. A tender has now been accepted amounting to \$46,126 and there were certain additional items, such as steel windows, foundations, electric light and fittings, sewer connections, tunnel steel works and reinforced concrete, etc., making a total of \$58,776, of which only \$63 has been spent. As \$25,000 has been provided this year the manager asks for a further \$23,809, making \$48,800, and it is proposed to insert the balance of \$10,000 in the estimates for next year.

Approved.

Botanical and Forestry Vote

The Governor recommended the Council to vote a sum of \$5,550 in aid of the following votes:—

Botanical and Forestry Department, Other Charges:

Forestry, Hongkong	\$1,000
Forestry, New Territories	1,500
Maintenance of Gardens and Grounds	2,700
Transport	350
	<hr/>
Total	\$5,550

THE CHAIRMAN—In regard to this sum of \$1,000 for forestry in Hongkong, the vote has proved insufficient owing to the increased cost of labour, and the extra labour employed to repair typhoon damage. The \$1,500 for forestry in the New Territories is required for the same reason. \$2,700 for maintenance of gardens and grounds is required to carry on the work until the end of the year. The chief reason for this increase is to be found in the charges incurred in the repair of storm damage. The transport vote is rendered necessary by the appointment of Mr. J. L. King whose travelling expenses are paid out of this vote. There is also launch service in connection with a large quantity of stolen timber.

Approved.

Medical Department Vote

The Governor recommended the Council to vote a sum of \$1,500 in aid of the vote, Medical Department, Civil Hospital, Other Charges, Incidental Expenses.

THE CHAIRMAN—The Principal Civil Medical Officer points out that the sum of \$500 asked for was not enough. The total amount expended by the Crown Agents in filling vacancies up to the end of June was \$966. It is rather difficult to say how much will be required to the end of the year. He asks for \$1,500.

Approved.
