

4TH JUNE, 1925.

PRESENT:—

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

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS (MAJOR-GENERAL C. C. LUARD, C.B., C.M.G.).

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

THE ATTORNEY-GENERAL (HON. SIR HENRY POLLOCK, K.C.).

THE COLONIAL TREASURER (HON. MR. C. McI. MESSER, O.B.E.).

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

HON. MR. D. W. TRATMAN (Secretary for Chinese Affairs).

HON. DR. J. B. ADDISON, M.B.E. (Principal Civil Medical Officer).

HON. MR. P. H. HOLYOAK.

HON. MR. A. O. LANG.

HON. MR. CHOW SHOU-SON.

HON. MR. H. W. BIRD.

HON. MR. R. H. KOTEWALL.

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

MR. A. G. M. FLETCHER, C.M.G., C.B.E. (Clerk of Councils).

Minutes

The minutes of the last meeting were approved and signed.

Papers

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

Regulation made by the Governor in Council under section 3 of the Vehicles and Traffic Regulation Ordinance, 1912, Ordinance No. 40 of 1912, on the 28th day of

May, 1925.

Rules made by the Governor in Council under section 6 of the New Territories Regulation Ordinance, 1910, Ordinance No. 34 of 1910, on the 28th day of May, 1925.

Two Orders made by the Governor in Council under section 24 of the Rents Ordinance, 1922, Ordinance No. 14 of 1922, on the 28th day of May, 1925.

Report of the proceedings of the Standing Law Committee on the Rents Amendment Bill, 1925.

Finance

THE COLONIAL SECRETARY, by command of H.E. The Governor laid on the table Finance Minute No. 24 and moved that it 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 proceedings of the Finance Committee (No. 4) and moved that it be adopted.

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

Tenement Rates

THE COLONIAL SECRETARY — With your Excellency's permission, I propose that the resolution standing in my name be postponed *sine die*.

The resolution was as follows:—

Resolved that the percentages on the valuation of tenements payable as rates for tenements on the following lots on Kowloon Bay Reclamation shall be 13 per cent.:—New Kowloon Inland Lots Nos. 132, 226, 227, 238, 239 and 251.

H.E. THE GOVERNOR—The Council will proceed with the Orders of the Day.

Hongkong Daily Press

THE COLONIAL SECRETARY—Sir,—It is unusual to take notice in this Council of statements made in the public press on matters which come before us, but with your permission I would like to refer to certain remarks made yesterday morning in the *Hongkong Daily Press* newspaper regarding the procedure adopted in connection with the telephone resolution on the 21st May. Had these remarks related merely to a question of public policy I would not have intervened, but they referred to a member of this Council personally and reflected on his conduct in a manner, which, if left unanswered, might give rise to misunderstanding. The point made was that in seconding the resolution the senior Unofficial member was acting wrongly as he was interested in the proposed Company. It is true that the Hon. member is to be a director of the Telephone Company, but he is also the Senior unofficial member of this Council and Chairman of the Chamber of Commerce with which body the Government had been in close communication throughout the negotiations leading to the arrangements for the new Company. It was, therefore, I submit, entirely proper that he should second the resolution. He would gain nothing by doing so, just as he would lose nothing by refraining from speaking or voting. This was a question relating to a Company, which it is hoped will be of great benefit to the community and in his capacity as a member of this Council, representing the Chamber of Commerce, and as a compliment to that body having regard to the work done by it in the matter, he was requested by the Government to express the views of the unofficial members on the resolution. I regret that it should be necessary for me to defend the Hon. Member against personal attacks in the public press, wholly undeserved and inspired by a singular want of perception of the facts, but, it is, I consider, most desirable that such attacks should be immediately and publicly resisted.

H.E. THE GOVERNOR—I think that my honourable friend takes a more pessimistic

view of human nature than I myself do. I have more belief in the common sense of the inhabitants of this Colony than to think that they could be influenced by, or that they would attach any importance to, the scurrilous vapourings of an anonymous slanderer and for myself I should not have proposed to take any notice of them. The Council is doubtless familiar with the story of Mr. Justice Maule and the anonymous letter. The process adopted by Justice Maule cannot, for obvious reasons, be applied to passages in a newspaper, but the principle is sound and is one which I commend to the Council in future, that is to treat such matters with contemptuous silence.

The Rents Ordinance

The Council then resolved itself into Committee to consider the recommendation of the Standing Law Committee regarding the Bill intituled, An Ordinance to further amend the Rents Ordinance 1922.

THE ATTORNEY-GENERAL — Sir, with reference to Clause 3 of this Bill, which proposes to introduce a new section, 3a, into the Rents Ordinance, 1922, hon. members of this Council will remember that on the last occasion two amendments were suggested, one by the hon. senior Chinese unofficial member and the other by the hon. and learned member who represents the Justices of the Peace. Since this Council last met, the Standing Law Committee, with the assistance of the hon. and learned member, have met, with the result that we now recommend to this Council the acceptance of the amendment to the proposed section 3a of the Rents Ordinance, which hon. members have before them in the Report of the Proceedings of the Standing Law Committee on the Rents' Amendment Bill, 1925. What is now suggested is that a comma be substituted for a full stop at the end of the said section 3a and that there should be added at the end of section 3a the following:—

"and nothing in this section shall entitle any intermediate lessor to increase the rent payable by his own lessee by a greater percentage than the percentage which has been demanded from such lessor by his immediate lessor.

"Any notice of intention to increase the rent as aforesaid may be treated by the lessee to whom the notice is given as a notice to quit on the date of the expiration of such notice, and the lessee may quit the domestic tenement in question on that date without giving any notice whatever to the lessor."

With regard to the first part of the proposed amendment, Sir, that carries out absolutely the suggestion of the hon. senior Chinese unofficial member.

With regard to the latter part of the suggested amendment to the sub-section, it has been slightly varied from the form suggested by the hon. and learned member at the last meeting of the Council, but he consents to this amendment in this form and I think that hon. members will agree that it is an improvement. In the first place it may be noted in regard to the proposed amendment, that it has one great advantage namely, that it does not compel the subtenant, who perhaps may be ignorant of his rights, to take any step whatever by way of giving notice to his lessor, and I may add that the proposed paragraph only follows the rule which exists in Common Law, namely, that a lessor would ordinarily, before being entitled to any increase in rent, be obliged by law to terminate the old tenancy at the old rent. The effect of this particular paragraph then will be that the lessee if he receives notice to increase his rent may quit the domestic tenement in question on the date of the expiration of the notice to him of the increase of rent without giving any notice whatever to the lessor. In other words, if he does not like the idea of stopping on at the increased rent he has simply to go out, and he will then not be liable for any increase of rent. With these remarks, Sir, I beg to move that the proposed sub-section 3a of the Rents' Ordinance, 1922, as recommended in the Report of the Standing Law Committee of this Council, be approved.

H.E. THE GOVERNOR—I suppose the phrase "intermediate lessor" is clear.

THE ATTORNEY-GENERAL — After considering it very carefully, and after consulting with the Crown Solicitor, who has been of the greatest possible assistance to me with regard to drafting this somewhat difficult clause of the Bill, I may say that the phrase "intermediate lessor" was chosen as the best.

H.E. THE GOVERNOR—It will probably

be misinterpreted.

THE ATTORNEY-GENERAL—I do not think it will be misunderstood; obviously it cannot include the head lessor. I think the phrase "intermediate lessor" was suggested to me first by the hon. and learned member who represents the Justices of the Peace. I have talked it over with the Crown Solicitor and we cannot think of any better phrase. I do not think it is likely to be misinterpreted.

The recommendation was passed in Committee, and Council then resumed.

THE ATTORNEY-GENERAL moved the third reading of the Bill as amended.

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

The Adjournment

H.E. THE GOVERNOR—The Council will adjourn *sine die*, which in all probability will mean until the 15th day of this month.

FINANCE COMMITTEE

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

Public Works at Kowloon

The Governor recommended the Council to vote a sum of \$10,000 in aid of the vote Public Works, Extraordinary, Kowloon, Building, 75, extension to existing market at Mong Kok Tsui.

THE CHAIRMAN—The estimate for this market was \$25,000 and the actual cost was \$28,467.83. The extra amount of \$3,000 odd is due chiefly to extra piling required in the foundations. A special vote of \$22,000 was taken for this work in 1924 under Financial Minute No. 13, but only \$15,500 was spent. The sum of \$3,000 only was provided in this year's estimates for the completion of the work, and it is therefore necessary to ask for another \$10,000.

Approved.