

April 26th, 1928.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR (SIR CECIL CLEMENTI, K.C.M.G.).
 THE COLONIAL SECRETARY (HON. MR. E. R. HALLIFAX, C.M.G., C.B.E.).
 THE ATTORNEY-GENERAL (HON. SIR JOSEPH HORSFORD KEMP, KT, K.C., C.B.E.).
 THE COLONIAL TREASURER (HON. MR. C. MCL. MESSER, O.B.E.).
 HON. MR. H. T. CREASY (Director of Public Works).
 HON. MR. E. D. C. WOLFE (Captain Superintendent of Police).
 HON. MR. R. A. C. NORTH (Secretary for Chinese Affairs).
 HON. SIR HENRY EDWARD POLLOCK, KT, K.C.
 HON. SIR SHOU-SON CHOW, KT.
 HON. MR. A. C. HYNES.
 HON. MR. R. H. KOTEWALL, C.M.G., LL.D.
 HON. MR. J. OWEN HUGHES.
 MR. T. W. AINSWORTH (Deputy Clerk of Councils).

ABSENT:—

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

HON. MR. W. E. L. SHENTON.

MINUTES.

The minutes of the previous meeting of the Council were confirmed.

PAPERS.

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

Regulation under section 25 (4) of the Merchant Shipping Ordinance, 1899, on April 12th, 1928.

PETITIONS.

THE COLONIAL SECRETARY—I have to report the receipt of a petition in connection with the Chinese Temples Bill now before Council, and I beg to move that it be read.

THE ATTORNEY-GENERAL seconded. He said—This petition was received only a few hours before the last meeting of the Council when it was intended to read the Chinese Temples Bill a second time. The Bill, in accordance with the provisions of the Royal Instructions and the Standing Rules and Orders of this Council was advertised in the *Gazette* and in two English newspapers and two Chinese newspapers.

The Bill itself was published *in extenso* with very full Objects and Reasons in the *Gazette* and the Chinese version of the Bill with the Objects and Reasons appeared in the Chinese Press. It is a pity, therefore, that the petition was not presented at an earlier date. It is also a pity that the petitioners did not adopt the more usual and convenient course of first approaching the Chinese members of this Council or the Secretary for Chinese Affairs. However, the petition has been considered carefully by the promoters of this Bill, the two Chinese members of this Council, by the Government and by the Governor-in-Council; also by the District Watchmen's Committee and I am authorised by the promoters to say that they propose to move in committee certain amendments to the Bill in order to meet the representations of the petitioners. The petition is presented by 22 keepers of the To Yuen. These To Yuen are not temples in the ordinary sense, but are places where members of religious orders live, where they perform certain ceremonies and where they may be sent for by persons who desire their services at weddings and funeral ceremonies.

The clause to which the petitioners object is clause 4. That clause provides that no Chinese temple which is in existence at the commencement of this Ordinance shall be maintained for a longer period than six months from the date of the commencement of the Ordinance unless it is in a building which is a complete and separate building and which is used for the purpose of such temple and for no other purpose. The section also provides that in future no Chinese temple shall be established or maintained unless it is a building which is a complete and separate building and which is erected and is used for the purpose of such temple and for no other purpose.

The petitioners point out that they are not in a position to provide themselves with or to rent a complete building and are obliged to occupy portions of a building only. If this clause were to be passed in its present form, therefore, the effect would be that the To Yuen would have to close down and as they appear to supply a certain demand of a certain portion of the community it is thought desirable to amend the clause so as to enable them to carry on their calling. The amendment proposed, Sir, will be an amendment to give the Chinese Temples Committee power to exempt these To Yuen and, indeed, any Chinese Temple from the provisions of this clause. There will also be power, as there must be, for the Chinese Temples Committee to withdraw any exemption which may have been granted. In each case there will be an appeal to the Governor-in-Council; that is to say there will be an appeal from any refusal by the Chinese Temples Committee to grant exemption and an appeal from any withdrawal by the Chinese Temples Committee of an exemption that has been granted.

These proposed amendments, Sir, I may say have also the approval of the Government. Perhaps I should say that there is no present intention of assuming any financial or other control over establishments of the kind to which these To Yuen belong so long as each individual To Yuen is conducted lawfully and properly.

The petition was then read.

BATHING FACILITIES AND CHILDREN'S PLAYGROUNDS.

HON. SIR HENRY EDWARD POLLOCK—Sir, pursuant to notice I beg to move the motion

"That the answers given in this Council on the 19th April to my questions 4 and 7 are unsatisfactory."

My question 4 is divided into two branches, one of which refers to Repulse Bay and the other to Stanley Bay. My question with reference to Repulse Bay was whether the Government would put up additional bathing cubicles and pavilion accommodation for the use of the public at Repulse Bay. To that the Colonial Secretary replied that "at present 15 cubicles, 10 feet by 6 feet, are being erected, with fresh water showers, water standpipes, etc., 10 being for men and 5 for women. No provision is being made for a pavilion." I submit, Sir, pausing there, that that answer to my question with regard to bathing accommodation at Repulse Bay is eminently unsatisfactory, because so far from the Government putting up anything in the way of additional public bathing accommodation in the shape of cubicles for Repulse Bay they are proposing very much to curtail the bathing accommodation which was recommended less than two years ago by the Bathing Beaches Committee in Sessional Paper No. 12 of 1926, their report being dated 17th July, 1926.

On that Bathing Beaches Committee the late Dr. Addison was Chairman, and the other members were Sir Shou-son Chow, Mr. D. W. Tratman, Dr. A. G. M. Severn, Mr. E. W. Carpenter and myself. With regard to the accommodation to be granted to the public at Repulse Bay in the way of bathing cubicles the Committee made the following recommendation. I am quoting now, Sir, from paragraph (c) of section 11 of their report:—

"The facilities for bathing for persons not having the use of matsheds are at present confined to a few small canvas tents belonging to the Repulse Bay Hotel for the use of which a charge of 50 cents is made. They are insufficient in number for the purpose they are meant to serve. We recommend that facilities be provided by the erection of two matsheds, one for men and the other for women and children, divided each into 16 cubicles, at spots on which the Committee have agreed and which are known to the representative of the Public Works Department on the Committee, Mr. Carpenter. If this accommodation proves insufficient it should be extended."

From that recommendation of the Bathing Beaches Committee it will be gathered that the Committee, after fully considering the question, came to the conclusion that they ought to put at Repulse Bay, for the accommodation of the public, two matsheds, each of them divided into 16 cubicles, or in all 32 cubicles. Now, Sir, compare that with the answer to my question. The answer to my question is that at present 15 cubicles are being erected at Repulse Bay, 10 for men and 5 for women. In other words, the proposed accommodation to be put up for

the public at Repulse Bay this summer is just under one-half of that recommended by this Committee, who took a great deal of trouble in going into the whole of this bathing question less than two years ago. I submit, Sir, that is very unsatisfactory indeed.

I have read somewhere that the question of public bathing accommodation is a question of transport, but of course, Sir, that cannot be so, because you cannot expect people to arrive out at Repulse Bay in either a motor car or one of the Hong Kong Hotel 'buses and undress in the sight of everyone else on the beach. It is a very crowded beach. It is not, Sir, a place where you can hide away in a corner from the sight of your fellow creatures, and it is, therefore absurd, I submit, to say that the question of whether public bathing accommodation should be provided is a question of transport. It cannot be. You want transport to get you there and you want accommodation when you get there.

With regard, Sir, to the question of transport, the Hong Kong Hotel Company in the summer, and especially on Saturdays, Sundays and holidays, run bathing 'buses at comparatively frequent intervals, and I imagine there would not be very much difficulty if there was a public demand for the purpose about the Hotel Company making reservations in certain 'buses beforehand. That cannot be difficult, because to my knowledge there are a number of seats being reserved in the 'buses in connection with the ceremony Your Excellency is going to perform in laying the foundation stone of St. Stephen's College at Stanley Bay. Therefore, Sir, transport accommodation is available, but it is no good having transport down to the bathing beaches unless you have either a private matshed or there are bathing cubicles to go into. I do hope that the Government will, in dealing with this question of bathing cubicle accommodation at Repulse Bay, pay heed to the recommendations of the Committee who dealt with this matter less than two years ago.

I have also suggested in my question that (besides the bathing cubicles) pavilion accommodation should be put up. I am afraid, Sir, that the word "pavilion" which I used has turned out to be rather a foolish term, because some people seem afraid, from what I can gather, that I advocated the erection of a stately pleasure dome with a kiosk, and possibly band stand, Ionic columns and so forth. Instead of pavilion I ought to have used the word matshed. I intended nothing more serious than a matshed in which people could sit out either before or after bathing with their children and stop there in comfort for sometime, because, Sir, it is absurd to suppose that members of the public should go out to Repulse Bay either on a Saturday afternoon, or Sunday, and simply want to dash out there and, after a bathe, to dash back. They do want, I submit, in all the circumstances to have a place in which they can sit down and have a kind of *al fresco* picnic. This is, I think, a necessary concomitant to public bathing accommodation at Repulse Bay. In fact, I notice in their report, the Bathing Beaches Committee speak of Repulse Bay as one of the beaches which is used partly for bathing and partly for picnics and there can be no doubt

that this is the way in which people who own private matsheds use the beach. They do not simply dash into the water and dash out and come away, but they stop there for some hours and have a rest. The public ought to have the same convenience.

Now Sir, passing on to the second part of my question No. 4 I asked whether the Government would put up bathing cubicles for the use of the public at the Bay near Stanley where private matsheds have already been erected. The answer to that part of my question was as follows:—

"The beach at Stanley has been fully allocated; two or three additional sheds might be erected on the high ground above the beach but this site is not considered suitable."

Well, Sir, that answer is unsatisfactory because it does not fit in with the recommendation of the Bathing Beaches Committee. That Committee stated:—

"There are at present five matsheds at Stanley. It is recommended licenses should be granted up to this number. With regard to public bathing accommodation, they recommended that bathing cubicles should be provided on Crown land nearby for eight persons of each sex, the number to be increased, if necessary, there being ample space for expansion."

Now, Sir, you will notice these words "there being ample space available for expansion." I lay some emphasis upon them because in the Government answer we are told that the beach has been fully allocated, but that two or three additional sheds might be erected on the higher ground above the beach. Obviously, Sir, there is complete discrepancy between the Government answer and the recommendations of the Bathing Beaches Committee who went out there and examined Stanley Bay on the spot.

With regard to the question of transport accommodation for the public to Stanley Bay, I was very much interested when I went out there the other day in connection with St. Stephen's College site to find, as I was approaching the winding path that leads down to the beach, a very big motor 'bus of the Aberdeen Motor 'Bus Company. I found that a number of enterprising Service men had chartered this Aberdeen motor 'bus and were going down to this beach. There can be no doubt, Sir, if there was public bathing accommodation at Stanley that it would be made use of very fully.

With regard to a pavilion or matshed shelter at Stanley the same observations apply as I have used with regard to Repulse Bay. After a bathe it is very desirable to have a place to sit down in and have a rest and picnics. I think that is all I need say with regard to my question No. 4.

My question No. 7 was: "Will the Government utilise one of the strips of Government land abutting on Salisbury Road as a playground for Kowloon children? Will the Government also enquire into the

possibility of various unbuilt on pieces of land abutting on Nathan Road being temporarily used for the purposes of children's playgrounds?"

The Colonial Secretary replied: Pending its use by the Government for other purposes, a small area can be reserved as a children's playground at the junction of Salisbury and Middle Roads. There is, however, in the opinion of the Government, no area at Tsimshatsui which is really suitable for permanent reservation as a children's playground: and none of the undeveloped area adjoining Nathan Road appears to be suitable for conversion to children's playgrounds.

Well, Sir, with regard to that point there is a very ugly strip of land almost opposite—I think quite opposite—the piece of ground which the Government is apparently prepared to allow as a site for a children's playground for the time being. It is a piece of ground on the South side of Salisbury Road. There is a long and very ugly strip of ground which looks very much as though it ought to be laid out as a park or a children's playground or something. It is near the railway fence and I should think that that piece of ground is not in the least likely to be used for a considerable number of years. It is long and narrow.

There is another site which I think should also be taken into account and that is a space on Nathan Road where the mules are. That is part of the military cantonment. It is a very big piece of land and I should have thought it would be possible to come to some arrangement with the military authorities whereby that piece of ground should be permanently reserved as a playground for children. I may also mention that when I was driving along there I noticed various pieces of ground off the roadway which were, as a matter of fact, being used by children for playing. I do not pretend to be able to say in whose ownership those various pieces of ground abutting on Nathan Road are. Perhaps some of them may belong to the Crown, or most of them may be in private ownership. In all events I submit it is advisable that this question should be gone into, and in order to arrive at some concrete proposal I would venture to suggest to Your Excellency that it might be a good thing to appoint a small committee of members of this Council for the purpose of enquiring into the possibilities of a playground at Kowloon. There is no doubt that in that way the public mind would be relieved. People generally would be satisfied that the various avenues had been fully explored and that the whole matter of the possibility of reserving certain public playgrounds for children at Kowloon had been gone into.

I hope in all these matters I shall receive—in fact I am sure I shall receive—the sympathetic consideration of Your Excellency and the Government. I had to bring this matter up as a motion because if I had asked questions I should have received answers and that would have been an end of the matter. I do hope as a result of this debate the Government will give us more public bathing accommodation at Repulse Bay, that they will give us public bathing
a c c o m m o d a t i o n a t S t a n l e y

Bay and that the Government will appoint a small committee of this Council to go into and fully explore the arrangements for a permanent children's playground at Kowloon. Possibly it may be thought advisable to have more than one playground in addition to the present one at Chatham Road. I have in my mind that it may be thought advisable that the children of the poorer classes of Chinese should have some playground at the back of Yaumati and Shamshuipo, but that is a question which obviously cannot be settled now but I hope the Government will take it up.

HON. MR. J. OWEN HUGHES—I beg to second the motion.

THE DIRECTOR OF PUBLIC WORKS—Sir, I should like to make a few remarks with regard to question 4. In the previous reply to the first part of the hon. member's question a resumé of the present public facilities at Repulse Bay was given. It will be seen that these cover, as far as possible, the recommendations set out by the Committee appointed to consider the whole question of bathing beaches. It is not at present possible to carry out this Committee's full programme in respect of the number of public cubicles, but this is being borne in mind and upon surrender of sufficient permits granted for the erection of private bathing sheds, it would be possible, if Government approve, to provide suitable sites for accommodation of additional cubicles. At present the number of permits issued for matsheds is at the limit recommended by the Committee, namely, 120.

The second part of the question dealt with Stanley beach. For this beach the Committee recommended permits up to 22 in number. At present 24 have been issued and a further one has been approved, whilst two additional applications are under consideration. Of the general improvements recommended by the Committee all items except that dealing with the erection of cubicles and pavilions have been carried out.

Owing to the necessity for strict economy at the present time I understand, in the opinion of the Government, it is not considered essential to provide pavilions on the bathing beaches, these being regarded more in the nature of luxuries.

At Repulse Bay, in addition to maintenance and supervision charges, a sum of \$6,500 was spent on lavatory accommodation and \$800 for public cubicles. A total expenditure of \$16,200 was incurred in 1927 in providing bathing facilities at North Point, Kennedy Town, Tai Wan and Repulse Bay and nearly 70,000 persons availed themselves of the accommodation provided, of whom 2,000 used the cubicles at Repulse Bay. This is quite apart from the large number of bathers occupying matsheds.

With regard to the children's playgrounds in Kowloon, the existing playground in Chatham Road is well situated to serve a large residential district. Practically all the unbuilt on areas of Crown land abutting upon Nathan Road, south of Mongkok, have undesirable surroundings. This, I think, applies also to the two pieces of ground mentioned by the

hon. member—the railway land and the military land. The original question did not make it clear that other than Government Crown land was referred to by the hon. member, but I now understand that private land was referred to in the latter portion of his question.

There is some privately owned vacant land, well situated, which would be suitable, but this would have to be acquired by Government, by resumption or exchange before any part of it could be allocated for the purpose of a playground. Representations have been made to Government by members of the Kowloon Residents' Association in regard to the selection of privately owned land for children's playgrounds in localities where playgrounds are most needed, and these suggestions are receiving the sympathetic consideration of Government.

HON. SIR HENRY EDWARD POLLOCK—Sir, I should like to say by way of reply that I am surprised to hear that there are insufficient sites for putting up these public bathing cubicles at Repulse Bay for as my honourable Chinese colleague will remember the committee went into that point of where to put the cubicles—one for women and children here and one for men there. From our observation of the ground there was plenty of room for the cubicles, and in our report we did not content ourselves with stating that 32 cubicles should be put up behind the private matsheds. We went to the trouble to point out where they could go. We absolutely mapped out the whole thing on the spot. I do not think it can be because there is insufficient actual land available at Repulse Bay that the public cubicles are not put up. Bearing in mind the recommendations of the Bathing Beaches Committee I will go as far as to say that I am absolutely certain such is not the case. It cannot be so because the Committee took all the trouble of allocating the sites for the various cubicles.

It is quite clear the public have made use of the cubicles at Repulse Bay and therefore, Sir, I submit absolutely insufficient reason has been given why the recommendations of the Bathing Beaches Committee should not be carried out to the full. I hope the Government will fully carry out the recommendations of their committee and also, for the reasons I have given, allow a matshed covering or pavilion, whatever you choose to call it, to be put up for the use of the public at Repulse Bay. I also hope that accommodation in the shape of both cubicles and matshed shelter will also be erected at Stanley Bay. I think we must all feel that bathing is a very health-giving recreation and that the public should be given every reasonable facility for bathing from the beaches.

H.E. THE GOVERNOR—Gentlemen, from what we have just heard there appears to be a direct conflict of opinion between the hon. member representing the Justices of the Peace and the Director of Public Works. The report made to me is that at Repulse Bay there is no room for any further public bathing facilities, that the whole of the foreshore has been allotted for private matsheds and that if more than the existing number of fifteen cubicles are required t h e y c a n n o t b e p u t u p u n t i l s o m e o f t h e

private owners give up their permits. However, we heard from Sir Henry Pollock that these statements made by the Director of Public Works are, in his opinion, perhaps inaccurate. I shall, therefore, obtain from the Director of Public Works a plan of the present allocation on that foreshore and satisfy myself personally whether there is room for more public cubicles. If there is room for more public cubicles, I shall be quite willing to carry out the recommendations of the Bathing Beaches Committee in that respect.

With regard to pavilions, whether at Repulse Bay or at Stanley, I am not willing to incur public expenditure at present for that purpose. Sir Henry is shortly joining the Government. If he had joined the Government last year and sat with me to consider the estimates for public works, it would have gone to his heart, as it did to mine, to notice the number of works of an essential nature which we had to postpone. Desirable public works did not get a chance, and as for luxuries we did not look at them. I consider that the erection of pavilions can well stand over until some of the public works which have been on the waiting list for several years have been completed.

The question of reserving playgrounds in Tsimshatsui is in an altogether different category. I fully admit that there is an obligation on the Government to provide open spaces in which children may play. The question, however, is a difficult one, because the whole of the sea coast East, South and West is required for commercial and railway purposes. Wharves are going to be built in Hunghom Bay and before very long even the existing children's playground there will not be available for recreation. I do not think that the area at Salisbury Road is suitable except temporarily. It is a very valuable piece of land and will have to be used commercially before long. But there are other areas along Nathan Road, privately owned, which it may be possible to acquire either by purchase or exchange. I hardly think the time has come to appoint a Committee to go into that matter, but I will obtain from the Director of Public Works a report concerning these areas and this can be put before the Finance Committee to consider whether they are prepared to incur the necessary expenditure, always assuming that an exchange is not possible.

HON. SIR HENRY EDWARD POLLOCK—As the matter has received the very serious consideration of the Government I do not propose to press my motion further at this meeting.

H.E. THE GOVERNOR—The motion has now been withdrawn.

FINANCE COMMITTEE REPORT.

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid upon the table the report of the Finance Committee No. 5 of 19th April, 1928, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

CHINESE TEMPLES ORDINANCE, 1928.

HON. SIR SHOU-SON CHOW moved the second reading of the Bill intituled, "An Ordinance to suppress and prevent abuses in the management of Chinese temples and in the administration of the funds of Chinese temples."

HON. DR. R. H. KOTEWALL seconded, and the Bill was read a second time.

Council then went into Committee to consider the Bill clause by clause.

In Clause 4 the words "Subject to the provisions of sub-sections (3) and (4) were inserted immediately before the words "No Chinese temple" in sub-sections (1) and (2).

Sub-section (3) as it appeared in the printed copy of the Bill was deleted and the following sub-sections (3) and (4) were substituted:—

(3) Notwithstanding anything contained in sub-section (1) or (2), it shall be lawful for the Chinese Temples Committee referred to in section 7 to exempt any existing or future Chinese temple from the provisions of sub-section (1) or (2) as the case may be. Any such exemption may be withdrawn at any time by the Chinese Temples Committee upon such notice as to the said Committee may seem proper.

(4) If the Chinese Temples Committee refuses to grant any exemption applied for under sub-section (3), or withdraws any exemption granted under the said sub-section, it shall be lawful for the applicant, within fourteen days from the date of such refusal or withdrawal as the case may be, to appeal by petition to the Governor-in-Council, and upon consideration of such petition and of any reply thereto submitted in writing by the Chinese Temples Committee it shall be lawful for the Governor-in-Council to allow or to dismiss the appeal, and if he allows the appeal the exemption shall be granted, or the withdrawal of the exemption shall be cancelled, by the Chinese Temples Committee, with retrospective effect in each case to the date of the refusal or withdrawal as the case may be.

The above amendments were approved on the motion of the Hon. SIR SHOU-SON CHOW, seconded by HON. DR. R. H. KOTEWALL.

Upon the motion of THE ATTORNEY-GENERAL Sub-clause (4) of Clause 5 was transferred to a main clause numbered Clause 6 with the marginal note

"No person to take part in the establishment of any unlawful Chinese Temple, etc."

Consequential amendments following these alterations, including the re-numeration of certain clauses, were also approved.

Upon Council resuming,

HON. SIR SHOU-SON CHOW moved the third reading of the Bill.

HON. DR. R. H. KOTEWALL seconded, and the Bill was read a third time and passed.

H.E. THE GOVERNOR—Council adjourns *sine die*. The next meeting of Council will take place in the Sanitary Board office and all Council meetings will be held there until the new storey has been added to this building in which we now are.

FINANCE COMMITTEE.

A meeting of the Finance Committee followed, the COLONIAL SECRETARY presiding.

H.E. The Governor's Message No. 6, containing items of supplementary expenditure Nos. 176 to 178 of 1927 and Nos. 27 to 32 of 1928, were considered. These items totalled \$787 for 1927 and \$49,390 for 1928. All were approved.

Item No. 30 of 1928—Public Works Extraordinary: Alterations, etc., to rented premises in Prince Edward Road, Mongkok, to be used as a Police Training School: \$6,800.

HON. DR. R. H. KOTEWALL—Are the premises taken under a lease and, if so, for how long?

THE CHAIRMAN—They are under lease until the end of the year, with the idea of continuing the lease or taking them on permanently. That matter has not been settled yet.
