

LEGISLATIVE COUNCIL, No. 8.

FRIDAY, 22ND MARCH, 1889.

PRESENT:

HIS EXCELLENCY THE GOVERNOR
(SIR G. WILLIAM DES VOEUX, K.C.M.G.)

The Honourable the Colonial Secretary (FREDERICK STEWART).

„ the Acting Attorney General, (ANDREW JOHN LEACH).
 „ the Acting Colonial Treasurer, (HENRY ERNEST WODEHOUSE, C.M.G.).
 „ the Acting Registrar General, (NORMAN GILBERT MITCHELL-INNES).
 „ PHINEAS RYRIE.
 „ WONG SHING.
 „ JOHN BELL-IRVING.
 „ BENDYSHE LAYTON, (*vice* the Honourable ALEXANDER PALMER MACEWEN).
 „ CATCHICK PAUL CHATER.

ABSENT:

The Honourable the Surveyor General, (JOHN MACNEILE PRICE), by permission.

„ the Captain Superintendent of Police, (WALTER MEREDITH DEANE), on leave.
 „ the Registrar General, (JAMES HALDANE STEWART LOCKHART), on leave.

The Council met pursuant to notice.

NEW MEMBER.—Mr. NORMAN GILBERT MITCHELL-INNES, Acting Registrar General, having been appointed an Official Member in the room of the Honourable J. H. STEWART LOCKHART, absent on leave, took the usual Oath and his seat at the Council table.

The Minutes of the last Meeting, held on the 7th instant, were read and confirmed.

GOVERNOR'S MESSAGE.—PRAYA RECLAMATION.—Read the following Message by His Excellency the Governor:—

G. WILLIAM DES VOEUX.

The Governor has given directions that there shall be laid before the Legislative Council an Ordinance to be entitled "The Praya Reclamation Ordinance, 1889" containing the necessary provisions for carrying out a great scheme of reclamation in front of the central and western portions of the Town of Victoria.

Though the general nature of the scheme and the manner in which it is proposed to be carried out have become well known to Honourable Members and to the community, the various questions connected with this great undertaking are now for the first time brought under the consideration of the Legislative Council; and it may be well therefore to make a short statement on the subject for the information of interested persons outside the Colony, and for the purpose of convenient reference in the future.

The project for carrying out which it is the object of this Ordinance to provide, is shortly as follows:—

To build a cut-stone sea-wall in front of the present Praya and at an average distance from it of about 260 feet, along its whole length extending from the War Office property at the North Barracks to the Gas Works, a distance of some 3,400 yards, or nearly two miles.

To fill in with earth and stone the intervening space, comprising an area of some 56 acres, in such a manner that it shall be available for building purposes; and

To construct upon this reclaimed area the necessary streets with all requisite channels and sewers, a work which, besides a considerable number of cross-streets, will include a new Praya, 75 feet in width along the whole length of the new sea-wall, and the widening to 75 feet for a similar distance of the present Praya which will thus become an inland street.

The cost of all these works, the amount of which is estimated at somewhat more than \$2,500,000, is to be defrayed by the owners of the marine frontage affected by the proposed reclamation, on the terms arranged in the correspondence which has been published, and now expressed in this Ordinance.

As however the maintenance of the new sea-wall when completed will be a charge on the public funds, it has been deemed necessary that its construction should be under the strict supervision of the Government. So that for this reason and on other grounds of obvious convenience the whole of the works will be undertaken by the Surveyor General's Department under a special Engineer appointed for the purpose. Though the owners of frontage-lots, as the Governor is advised on high authority, are not in a position analogous to that of riparian proprietors, inasmuch as they have no immediate access to the sea (the foreshore having for many years been occupied by a wide public street), it is held that whatever may be their legal rights they have for various reasons, well understood here, a moral claim to compensation in respect of reclamations in front of their land. On this ground, therefore, and in order to avoid the endless litigation that would otherwise arise in respect of the complicated interests involved, it has been deemed right to come to terms with them, under which they will undertake the whole cost and risk of the work, and will receive in return a very large share of the profits, estimated from the present value of frontage land to reach the large total of over \$5,000,000.

The Governor was of opinion that this profit on the part of the lot-holders was unduly large; and that either they should pay a considerable sum by way of premium, or the Government should carry out the reclamation on its own account, paying equitable compensation for any injury to private rights. The Secretary of State however did not take this view, and has decided that in any case negotiations have gone too far to impose any such stipulation now; and he accordingly sanctioned with some minor modifications the terms provisionally arranged with the lot-holders and approved the draft of the Ordinance now submitted for carrying them into effect.

The Ordinance in its present form has therefore already received the careful consideration of Her Majesty's Government; and the Governor has much pleasure in giving effect to the Secretary of State's decision on the scheme, which, whatever the gain of individuals, is fraught with unquestionably great advantages to the public. These are shortly as follows:—

- (1.) The provision of some 32 acres of building sites, which, when covered with houses (as they are morally certain to be as soon as completed) will afford a substantial relief to the present congested condition of the Town of Victoria or at least will tend to prevent the still further overcrowding of that contiguous portion of the Town which already is probably more densely populated than any other equal space in the world.
- (2.) The conversion into wholesome drained land of the present noxious foreshore, which is becoming year by year a more serious nuisance, and involving an ever increasing danger to the health of the community.
- (3.) A great improvement in the Port, as regards the conditions of discharging cargoes, arising from the fact that vessels of large draught will be able to lie alongside the proposed sea-wall throughout its entire length, and thus save considerable sums in lighterage.
- (4.) A large pecuniary gain to the Colonial Treasury consisting of,—
 - (a.) The profit from that portion of the reclamation to be undertaken by the Government in front of its own property; the land to be thus reclaimed being estimated at the value of \$1,803,956, against an estimated cost of \$362,369, showing a probable net profit of \$1,441,587.
 - (b.) A probable return estimated, (according to the low rate of \$1 per square foot), at \$300,000, from land in Kennedytown now useless, which will be converted into valuable building sites by the removal of rock and earth for the proposed reclamation.
 - (c.) Rent from the sites last mentioned and from the reclaimed land estimated at \$29,200 per annum.

Briefly summarised the pecuniary profit which is estimated as likely to accrue to the Government from this scheme is \$1,741,587 from land-sales and an annual income from rent amounting to \$29,200.

It will be observed that in the above estimate of advantages no account has been taken of the large amount, estimated at \$100,000 per annum to be derived from the rates that will be payable in respect of the buildings erected on the reclaimed land and on the Kennedytown sites mentioned, the reason of the omission being that it is difficult to forecast at the moment how far this sum will be absorbed by additional charges for Police Stations, Police, Lighting, &c. It is not at all probable that these charges will reach so large a total or anything like it; but in setting forth the benefits of the scheme, the Governor desires to err, if at all, on the side of under-statement.

There is, however, another beneficial result which may be fairly added, as though principally of an aesthetic nature, it is nevertheless a very appreciable one, viz.: the greatly improved appearance in the front of the Town which will be brought about by the supervision to be exercised in respect of the character of the buildings erected.

In view of this catalogue of advantages, it cannot be doubted that the prosecution of this great scheme is in the strictest sense a "public purpose" as defined by the Ordinance, and, the question whether the lot-holders should receive somewhat more or less profit would seem, after all, of such comparative insignificance, that it should not be permitted for a moment to stand in the way of so vast a public improvement.

For against the expected profits of the private persons concerned has to be set the risk, by no means slight, which they will have to incur in respect of typhoons and other accidents; while as regards both the rent to be paid by them, (\$800 per acre), and the large area (26 acres) for streets, which the public will obtain free of cost, the conditions under which this work will be undertaken are at least more onerous than have been exacted from the adjoining lot-owners in the case of any previous reclamations. And when it is moreover considered that an enterprise involving great, many and varied interests will be carried out with comparatively little, and it is hoped without any litigation, the Governor cannot but feel that the Colony is to be congratulated on the conclusion of the arrangement to be sanctioned by this Ordinance, which, whether it is, or is not, as perfect as it might have been, will in any case confer incalculable benefits on the community.

The details of the Ordinance, which may very possibly require amendment, will perhaps be best left for discussion in Committee; but the Governor thinks it well to refer briefly to an objection which he understands has been made to the third paragraph of the 6th clause of the published draft, by which compensation to dissentient lot-holders is left to the discretion of the Governor. It is needless to say that the Government has no desire to accord other than the fullest justice in respect of private rights; and though the provision in question has no doubt an arbitrary appearance, that aspect of it will probably disappear altogether from unprejudiced minds when the circumstances are fully considered. It should be remembered in the first place that the tenure of every one of the lot-holders is under a lease containing a condition, by which his land may at any time be resumed for a public purpose, the Surveyor General being in such case constituted the sole arbitrator—so that if the land of any lot-holder were to be, as it legitimately might be, resumed for this public purpose, the position created for him by a condition to which he has voluntarily submitted already, could hardly be regarded as preferable to that contemplated by the proposed enactment. There is however a more important consideration to be taken into account. The provision was presumably drafted, and sanctioned by the Secretary of State, on the assumption of the correctness of the opinion above referred to, according to which the frontage lot-holders have no legal rights in the foreshore. In this view they are strictly entitled to compensation only in respect of the actual depreciation of their property by the reclamation in front of it; and as in the case of former reclamations here the value of the adjoining land has never, the Governor understands, been affected otherwise than favourably, it is very possible that the lot-holder, if in this case left to his legal rights alone, would obtain no compensation at all. But by the provision in question there can be taken into account the moral claims above mentioned; so that instead of being a hardship to the dissentient lot-holder, the clause in reality will operate for his protection. If however there should prove to be any lot-holder who not only declines the agreement which has received the approval of the great majority and is embodied in this Ordinance, but also prefers to stand solely on his legal rights, it seems only fair that means should be found for enabling him to do so.

Anticipating as certain the approval of the Council to the prosecution of the scheme, whatever the form in which this Ordinance may finally pass, the Governor has already appointed an Engineer who will, under the supervision of the Surveyor General, devote himself exclusively to the reclamation, and will submit at once for consideration his view as to the staff which will be required in order to begin and prosecute the works with all possible speed.

With a view to cause as little obstruction as possible to the trade of the Port, it is proposed that only two, or at the most three of the seven sections of the reclamation shall be taken in hand at a time; and it is probable that a commencement will be made on those at the two extremes of the foreshore.

Before concluding the Governor deems it well to acknowledge thus publicly the service which has been rendered to the Colony by the Honourable C. P. CHATER, in initiating this great enterprise, and in assisting to bring about the arrangement under which it will be accomplished. It is also only right to mention in this place the Honourable J. M. PRICE, whose able reports on the project have secured its approval by the highest engineering authority in England and its sanction by the Secretary of State, and who has thus rendered not the least of the many valuable services, now unhappily come to a close, which will render his name ever memorable in this Colony.

It may moreover be noticed in this connection that the plans, also elaborated by Mr. PRICE, for the junction of the East and West Prayas were sent to England for the approval of Her Majesty's Government some two months ago. As the local Naval and Military authorities are now in entire agreement with the Civil Government on this subject, and as the Imperial Government is only asked to pay towards the cost, a sum less by several hundred thousand dollars than the value of the reclaimed land to be acquired by the War Department and the Admiralty, it may be hoped that this great work of improvement, now by the growth of the population become absolutely necessary, will also be very soon commenced, and that the negotiations of the last twenty years, hitherto unhappily fruitless, will thus at length be brought to a satisfactory termination.

Should this prove to be the case the first, and most important, steps will have been taken towards the realization of the hope, which the Governor earnestly entertains, that before the close of his administration these two great works may be finished—works which in adding a new face to the Town throughout nearly three of the four miles of its length and affording increased opportunity for its expansion in three different directions, may be expected to give a very powerful impetus to the advancement of the Colony.

By Command,

FREDERICK STEWART,
Colonial Secretary.

Government House, Hongkong, 22nd March, 1889.

VOTE REFERRED TO THE FINANCE COMMITTEE.—Read the following Minute by His Excellency the Governor:—

G. WILLIAM DES VOEUX.

C.S.O.
633 of 1889.
\$472.58. The Governor recommends the Council to vote the sum of Four hundred and Seventy-two Dollars and Fifty-eight Cents, as Personal Allowance to Mr. BRUCE SHEPHERD, Deputy Land Officer, from the 18th March instant, at the rate of \$600 per annum.

The expediency of this Vote will be explained in Finance Committee.

Government House, Hongkong, 21st March, 1889.

The Colonial Secretary moved that this Vote be referred to the Finance Committee.

The Acting Treasurer seconded.

Question—put and passed.

VOTE PASSED BY THE FINANCE COMMITTEE.—The Colonial Secretary, by direction of His Excellency the Governor, laid on the table the Report of the proceedings of the Finance Committee (No. 3), dated the 7th instant, and moved that the following Vote referred to therein be passed, viz.:—

EXCESS OF THE ESTIMATES FOR 1889.

SERVICES EXCLUSIVE OF ESTABLISHMENTS.

Miscellaneous Services.

C.S.O.
358 of 1889. Compassionate allowance to the family of the late Mr. HO TSUNG-CHI, Chinese Writer in the Registrar General's Department, \$ 120.00

The Acting Treasurer seconded.

Question—put and passed.

BILL ENTITLED THE RECLAMATION ORDINANCE, 1889.—The Acting Attorney General moved the first reading of this Bill.

The Colonial Secretary seconded.

Question—put and passed.

Bill read a first time.

BILL ENTITLED AN ORDINANCE FOR THE INCORPORATION OF THE DIRECTOR, IN HONGKONG, OF THE BERLIN LADIES' MISSION FOR CHINA.—The Acting Attorney General moved the second reading of this Bill.

The Colonial Secretary seconded.

Question—put and passed.

Bill read a second time.

The Council then went into Committee on the Bill.

Bill reported with a verbal amendment.

The Acting Attorney General then moved that the Bill be read a third time.

The Colonial Secretary seconded.

Question—put and passed.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed, and numbered as Ordinance 12 of 1889.

BILL ENTITLED THE PRISON AMENDMENT ORDINANCE, 1889.—The Acting Attorney General moved the second reading of this Bill.

The Colonial Secretary seconded.

Question—put and passed.

Bill read a second time.

The Council then went into Committee on the Bill.

Bill reported with a verbal amendment.

The Acting Attorney General then moved that the Bill be read a third time.

The Colonial Secretary seconded.

Question—put and passed.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed, and numbered as Ordinance 13 of 1889.

BILL ENTITLED AN ORDINANCE FOR AMENDING THE LAWS RELATING TO THE CONSTRUCTION OF BUILDINGS IN THE COLONY OF HONGKONG.—On the motion of the Acting Attorney General, the Council resumed Committee on this Bill.

Sections 1, 8, 11, 12, 13, 14, 16, 20, 27, and 36 were disposed of.

Sections 15 and 38 were struck out.

The Committee then adjourned.

QUESTION.—Mr. CHATER pursuant to notice asked the following question:—

Is there any objection in stating the circumstances under which permission was recently refused for holding a Concert in the General Hospital, the entertainment having been prepared for the recreation of the patients?

No. $\frac{96}{89}$ The Governor replied, and laid upon the table a copy of a Despatch on the subject which His Excellency had addressed to the Right Honourable the Secretary of State for the Colonies.

ADJOURNMENT.—The Council then adjourned to Friday, the 29th instant, at 4 p.m.

G. WILLIAM DES VOEUX,
Governor.

Read and confirmed, this 29th day of March, 1889.

ARATHOON SETH,
Clerk of Councils.