

10<sup>TH</sup> MAY, 1897.

PRESENT:—

His EXCELLENCY the Governor, Sir WILLIAM ROBINSON, K.C.M.G.

His EXCELLENCY Major-General BLACK, C.B. (Officer Commanding the Forces.)

Hon. J. H. STEWART LOCKHART (Colonial Secretary).

Hon. W. M. GOODMAN (Attorney-General).

Hon. T. SERCOMBE SMITH (Colonial Treasurer).

Hon. W. CHATHAM (Acting Director of Public Works).

Hon. F. H. MAY (Captain Superintendent of Police.)

Hon. R. MURRAY RUMSEY, (Harbour Master).

Hon. C. P. CHATER.

Hon. T. H. WHITEHEAD.

Hon. E. R. BELLIOS, C.M.G.

Hon. HO KAI.

Hon. WEI A YUK.

Mr. J. G. T. BUCKLE (Acting Clerk of Councils).

NEW MEMBER.

Hon. W. Chatham was sworn in on taking his seat as Acting Director of Public Works.

MINUTES.

The minutes of the previous meeting were read and confirmed.

PAPERS.

The COLONIAL SECRETARY laid the following papers on the table—Reports on the Hongkong Volunteer Corps; calendar of probates, &c., and return of Supreme Court cases for 1896; and the Secretary of State's despatch respecting defence works at Hongkong.

FINANCIAL MINUTE.

The COLONIAL SECRETARY moved the adoption of Financial Minute No. 1.

The COLONIAL TREASURER seconded.

Carried.

THE REVENUE FROM SHIPPING.

Hon. T. H. WHITEHEAD—Sir, in pursuance of notice I rise to ask the following question:— Will the Government lay upon the table a de-

tailed statement framed in terms of and in accordance with the instructions contained in the Secretary of State's despatch, dated 17th March, 1897, showing (1) the estimated total revenue which will be receivable from all shipping, separately under each head, during the year 1898, and (2) the estimated total expenditure which will be chargeable to all shipping, separately under each head, during the same period?

The COLONIAL SECRETARY—In reply I beg to state that instructions had been issued for the preparation of the returns desired before the question of the hon. member had been asked. The returns, when ready, will be laid upon the Council table.

THE OPIUM FARM.

His EXCELLENCY—The hon. member for the Chamber of Commerce asked a question on the 7th December last in regard to the Opium Farm. He desired to know if the Government would appoint a Commission to investigate and report on the opium revenue generally, and upon the advisability or otherwise of substituting for the present Opium Farm bonded warehouses and a fixed duty on all opium not *bona fide* exported in a raw state. I may mention that I have given this matter my careful consideration and I do not intend to appoint a Commission to inquire into the advisability of substituting bonded warehouses and a fixed duty for the system at present in force.

THE SANITARY BY-LAWS.

His EXCELLENCY—Before any motion is brought forward with regard to the Sanitary by-laws which are to be considered by the Council to-day, I wish to make a few remarks with reference to them. Having reason to believe that objections existed in certain quarters to some of the clauses in the by-laws I have taken steps to ascertain what those objections are. I find that the first clause objected to is No. 5, and after having carefully considered the matter I am prepared to allow this clause to stand over. I understand that the Commission appointed by me in July last to consider

and report on the insanitary properties in this colony are giving attention to the subject with which clause 5 deals. I therefore propose to refer this clause to the Commission, so that the members of it may consider it in connection with their report, which I trust they will furnish at no distant date. The Commission was appointed in July last and I think there has been plenty of time to report on the subject. The next clauses regarding which representations have been made to me are Nos. 9, 10, and 11. These clauses deal with domiciliary visits. I have already on a previous occasion informed the Council that this is a delicate matter in which great care and tact must be exercised. I am still of that opinion, and for the information of this Council, and especially the Chinese members of it—Dr. Ho Kai and Mr. Wei A Yuk—I desire to state that it is my intention to request the Sanitary Board to appoint no officers for the purpose of making domiciliary visits until the names of such officers have been submitted to me and their appointment has received my approval. (Applause.) It is evident that for such work as visiting the houses of the Chinese at night officers of experience, having an acquaintance with Chinese customs and manners, and possessing the confidence of the Chinese community, are requisite. (Applause.) Only officers of that description will be appointed, and if during the progress of their work they should act in such a manner as may cause reasonable ground for complaint, I trust the Chinese will not fail to report the matter to the Registrar-General, so that the matter may be thoroughly investigated. (Applause.) With regard to clause 15, sub-section 5, it has been suggested that in certain cases that sub-section would bear hardly on the owners of property unless modified by the addition of the following words "without the permission of the Sanitary Board" or something equivalent after the words "any kind whatsoever." That addition will, I trust, be made by the Sanitary Board. The last clause to which my attention has been drawn is No. 26, and it has been urged that 24 hours' notice should always be given before this clause is put into operation. It must be remembered that clause No. 26 is one of the clauses which is to be enforced only during the prevalence of an epidemic in the colony. At such a time prompt action is of first importance. While therefore not being in favour of the 24 hours' notice as has been suggested, I think the clause might be modified in another respect. As it stands at present any officer of the Board is empowered not only to make a house-to-house visitation, but he may forthwith take steps to have all furniture and goods removed, etc. I am of opinion that this is placing too great power in the hands of a subordinate officer of the Board. (Applause.) I therefore am of opinion that it would be advisable for the Sanitary Board to modify this by-law by continuing to the subordinate officers of the Board the power to make house-to-house visits during the prevalence

of an epidemic, but not allowing them to take any steps in the direction of removing furniture or destroying cocklofts, etc., without having made a report to the Medical Officer of Health, who should himself inspect the premises reported upon by the subordinate officers before furniture is removed or cocklofts destroyed. (Applause.) In carrying out by-law No. 26 it may happen that some of the very poor among the Chinese may require assistance from the Government, as was found necessary during the plague epidemic of 1894. Such cases will receive the consideration of the Government and, in addition to finding those who may be turned out of their houses a temporary shelter, the Sanitary Board will be requested to bring all deserving cases to the notice of the Registrar-General, who will be instructed to make arrangements for their comfort. (Applause.) Having now dealt with the suggestions made with regard to these by-laws. I have only to add in conclusion that the desire of the Government is to have the strongest possible measures for the protection of the health of the public without unnecessary interference with the liberty of the subject. I am certain that that desire is shared by every member of this Council. In sanitary matters I regard it as all important that everything possible should be done in order to prevent friction—(applause)—and I am quite sure you will all admit that the Registrar-General, Mr. Lockhart, has rendered very excellent service in this direction among the Chinese. I consider it most desirable to enlist the sympathies of the public with the sanitary laws of the colony and not to estrange their support by refusing to give consideration to any reasonable representations that may be made. (Applause.) I know my views are those of every member of the Government and I feel sure they will receive the support of the unofficial members of this Council. Now it remains for me to call upon the Colonial Secretary to formally move these by-laws one by one and after they are passed in this Council they will be referred to the Sanitary Board and re-submitted for consideration and final approval by the Council later on.

The COLONIAL SECRETARY—In view of the remarks of your Excellency I think it will be more convenient if the by-laws are considered one by one.

This course was approved of.

By-law 5 was omitted and referred to the Insanitary Properties Commission.

In regard to by-law 9, which empowers the Board's officers to enter any domestic dwelling at any hour between 6 p.m. and 12 p.m., Hon. E. R. BELLIOS said—I think the by-law would be improved if after the words "domestic

dwelling" the words "where more than one family resides" were added. That will exempt our buildings—I mean foreign buildings—from inspection.

The CAPTAIN SUPERINTENDENT OF POLICE —If the houses are entirely occupied by Europeans the objection would hold good, but seeing that the houses are more or less occupied by Chinese I do not think it is good.

The COLONIAL SECRETARY —The by-law affects all classes equally, regardless of race. It would be invidious and unfair to introduce the distinction suggested by the hon. member.

There was no seconder to the amendment and the by-law as it stood was approved.

On by-law 11 being read, Hon. T. H. WHITEHEAD asked —This by-law says that on reasonable notice being given buildings can be entered by Inspectors of Nuisances. Would it not be well to now fix what "reasonable notice" means? Would it not be well to specify the number of hours? Different Inspectors might put different constructions on the words.

The COLONIAL SECRETARY—When these by-laws are referred to the Sanitary Board the Board will be requested to state what they regard as reasonable notice.

The by-law was then approved.

By-law 15 was, on the motion of the ATTORNEY -GENERAL, so amended as to make it legal for areas to be covered on permission from the Sanitary Board being obtained.

In respect to by-law 26 the COLONIAL SECRETARY said—You will observe that it is stated in the by-law that "if the premises so visited or any part thereof shall be found in a dirty or insanitary condition in the opinion of any such officers [of the Board] he may forthwith take steps to have all furniture and goods removed there-from, &c." I propose that after the word "forthwith" the by-law shall read "make a report to the Medical Officer of Health, who shall at once inspect the premises reported upon and may, if he thinks such premises to be in a dirty or insanitary condition, take such steps," &c.

The ATTORNEY-GENERAL—I may say that the Colonial Treasurer, the Medical Officer of Health, and I had a conversation about this by-law this morning and I have drafted an amendment which amounts to the same thing, although it is not in the exact words, and if the Colonial Secretary has no objection I should like to move my amendment.

The COLONIAL SECRETARY—I have no objection to the wording being altered so long as the meaning is retained.

The CAPTAIN SUPERINTENDENT OF POLICE —If there is anything of an epidemic it will be absolutely impossible for one officer to receive these reports and inspect all the buildings.

The ATTORNEY -GENERAL —The wording of my

amendment is as follows—"If the premises so visited or any part thereof shall be found in a dirty or insanitary condition in the opinion of any such officer he shall report the same [I omit the word 'forthwith'] to the Medical Officer of Health or to any such other officer as the Sanitary Board may appoint for that purpose, who shall inspect the premises reported on, &c." Without this amendment an officer who found a house in a dirty or insanitary condition would be able to order the furniture and so on to be taken out. As amended, he will have to make a report either to the Medical Officer of Health or to another officer specially appointed by the Sanitary Board. The Medical Officer of Health would not be able to do the whole of the work in the districts and it might be necessary to appoint some other medical man to assist him in his work. It is the person who receives the report and that person alone who has any power to take steps. The Medical Officer of Health said it would be absolutely impossible for him in case of an epidemic of plague to visit every dirty or insanitary place in the colony. There might be urgent need for him in the east or west end of the town and he could not be expected to do anything else whatever; therefore what he could not do himself should be deputed to some other responsible officer.

The CAPTAIN SUPERINTENDENT OF POLICE —I think it would seriously hamper the Government to add the word "medical."

His EXCELLENCY—He would be a man of equal standing; a man well qualified to do the work.

Hon. C. P. CHATER—I think he should be a medical officer or any member of the Board, otherwise, Sir, it might be that the senior inspector would be appointed and therefore the clause, as it stands now, would be of no benefit whatever. The object is that a responsible man should be the only one who could order the pulling down of cocklofts and the burning of furniture, &c.

The COLONIAL SECRETARY —Your Excellency has already explained that the officer to be appointed should be such as would inspire confidence. The desire is to avoid entrusting responsible work of this nature to any one but an officer specially selected for the purpose, who is acquainted with the Chinese and their customs.

The CAPTAIN SUPERINTENDENT OF POLICE —I submit that the Sanitary Board—certainly as far as I know—commands the respect of the community. I do not know whether it does or not, but I should be sorry if it does not, and I should imagine that an officer specially appointed by the Board would command the respect of the community. In 1894 it was not possible to find sufficient members of the Board to undertake the work of supervision during the time of the plague, and we were obliged to call for volunteers. We did not get a great many civilian volunteers; I did not see any unofficial members of the Council volunteering,

but we did get men from the army, and I imagine that in a similar difficulty we should probably have to seek assistance from the same quarter.

His Excellency Major-General BLACK suggested that the additional officer should be named by the Board and approved by the Governor.

The ATTORNEY-GENERAL then altered his amendment and embodied the suggestion made by His Excellency Major-General Black.

The amendment was seconded by the COLONIAL TREASURER and the by-law was approved.

The remainder of the by-laws were approved without amendment.

The COLONIAL SECRETARY then moved that the by-laws as amended be referred to the Sanitary Board for its consideration, with the request that the Board would send in its report before the 17th inst.

The COLONIAL TREASURER seconded.

Carried.

ADJOURNMENT.

The Council then adjourned until next Monday.

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